

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, October 12, 1999
Tuesday, 9:04 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Cole, Gale, Lambke, Martz, Pisciotte, Rogers; present.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

The invocation was given by Rev. James Marlett, Presbytery of Southern Kansas.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved

The minutes of the regular meeting of September 28, 1999, were approved 7 to 0.

AWARDS AND PRESENTATIONS

PROCLAMATIONS

Proclamations previously approved were presented.

WICHITA'S PROMISE

Youth Community Service Awards were presented to Wichita's promise Youth present.

PUBLIC AGENDA

Comments by Judy Frick.

Judy Frick

Judy Frick and students thanked the City Council for making it possible for them to attend Space Camp.

UNFINISHED BUSINESS

SANITARY SEWER

SANITARY SEWER TO SERVE TWO UNPLATTED TRACTS NORTH OF CENTRAL, WEST OF 119TH STREET WEST. (District V)
(Continued from September 21, 1999)

Mike Lindebak

City Engineer reviewed the Item.

Agenda Report No. 99-926 A.

On September 21, 1999, the City Council considered a project to extend a sanitary sewer line to serve two properties on the west side of 119th Street West, north of Central. The proposed project was supported by one of the property owners and opposed by the other, primarily because of the cost. Several adjacent property owners also attended the Council meeting and were opposed to a possible extension that would serve three additional properties. The Council deferred action for three weeks.

On September 23, 1999, Council Member Martz and Staff from the City Engineer's office met with four of the five property owners. After the meeting, owners of the three additional properties that would be served by a longer extension indicated they support a project to serve all five properties.

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The proposed sanitary sewer line will serve five existing residences that are not currently being served by a public sanitary sewer system. The project is supported by four of the five property ownerships.

The estimated project cost is \$40,000, with each property being assessed an equal share of \$8,000. This is a reduction from the \$12,500 amount that was estimated for the project that would serve only two of the five properties.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion --
--carried

Martz moved that the project be approved, the Resolution be adopted; and the Staff Screening and Selection Committee be authorized to select a design engineer. Motion carried 7 to 0.

RESOLUTION NO. R-99-383

Resolution of findings of advisability and Resolution authorizing construction of Lateral 438, Southwest Interceptor Sewer, (north of Central, west of 119th Street West), 468-83030, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Martz moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

PROPERTY DISP.

SALE OF SURPLUS PROPERTY LOCATED AT THE NORTHWEST CORNER OF HILLSIDE AND 13TH STREET NORTH. (District I) (Continued from September 28, 1999)

Chris Cherches

City Manager reviewed the Item.

Agenda Report No. 99-973.

An offer of \$63,375 has been received from Johnie Nulan for the City-owned parcel located on the northwest corner of Hillside and 13th Street North. The tract was acquired from several owners in 1991 in conjunction with the improvement of the intersection. The site is zoned LC, Limited Commercial. It contains approximately 22,125 square feet and was approved for surplus by City Council action in 1993. Since that time, it has been advertised, signed and included in mailings. The purchaser owns the adjacent property to the north.

The offer calculates to approximately \$3.00 per square foot, which equates to the appraised value of the site. The purchaser intends to combine this site with her adjacent ownership for use as a restaurant site. The City has reserved the right to approve the future use prior to closing and to repurchase the site if it is not developed in a timely manner.

The City will receive cash consideration from the sale of the property at closing. Upon sale, this property will return to the tax rolls.

Mayor Knight

Mayor Knight said the cemetery is significant and the City should find a suitable replacement site.

Council Member Rogers

Council Member Rogers said the symbolic project represents citizens' lives being snuffed out through violence.

Because this is City property, the property needs to go back on the tax rolls. The offer of purchase was bonafide and meets all criteria.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard.

Susan Farrell

Susan Farrell, YWCA Executive Director, said a peace garden was put in the mock cemetery in 1998. A new location, if on City property, should be protected so that in a year or two the cemetery would not have to be moved.

Sam Muyskins

Sam Muyskins said he knew another location would have to be found, and he hoped another location would be found so the project could be maintained.

Motion --

Rogers moved that the sale and Contract be approved and the necessary signatures be authorized; and the City Manager, through Property Management, be asked to find a highly visible and traveled area with property that is owned by the City, or that might be donated by private persons. The site does not have to be in the Black

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community and can be located anywhere in the City as the mock cemetery is an integral part of the entire community.

Mayor Knight

Mayor Knight asked that Mr. Lewis and Rev. Muyskins be included in the search.

-- carried

Motion carried 7 to 0.

Council Member Rogers momentarily absent.

NEW BUSINESS

WATER SYSTEM

PETITION FOR WATER DISTRIBUTION SYSTEM TO SERVE AN AREA BETWEEN 63RD STREET SOUTH AND 57TH STREET SOUTH, WEST OF THE RIVERSIDE DRAINAGE DITCH. (District III)

Mike Lindebak

City Engineer reviewed the Item.

Agenda Report No. 99-981.

The Petition has been signed by 218 of 332 (65.7%) owners of 58% of the improvement district area. CPO Council 3 considered the Petition on September 9, 1999. The Council voted (7-0) to recommend approval of the project.

The improvement district is located outside the Wichita city limits. Currently, the area is served by private water wells. Residents report that the groundwater is of very low quality.

The estimated project cost is \$1,660,000 with the total assessed to the improvement district. The proposed method of assessment is the square foot basis. The estimated rate of assessment is \$00.24 per square foot of ownership.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners and by the owners of the majority of the property in the improvement district.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard.

Timothy York

Timothy York requested an alternative method of assessment be used for assessments - either equal amounts or a 1-1.5 method.

George Nicholson

George Nicholson requested exemption based on the agricultural use of the property.

Bill Cline

Bill Cline said the quality of health needed to be improved and a price should not be put on health. If cost is an issue, another method of assessment should be figured.

Motion --

Lambke moved that the Petition be approved; the Staff Screening and Selection Committee be authorized to select a design engineer; and the Resolution, based on reworking the assessments on the formula of 21,000 square feet or less classified as one, and greater than 21,000 square feet classified as one and one-half..

-- carried

Motion carried 7 to 0.

RESOLUTION NO. R-99-384

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89423 (between 63rd Street South and 57th Street South, west of the Riverside Drainage Ditch) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented.

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TAX EXEMPTION

PUBLIC HEARING AND TAX EXEMPTION REQUEST - GRAPHICS SYSTEMS, INC. (District I)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 99-982.

Graphics Systems, Inc., located at 313 Ida in central Wichita, was formed in 1975. Since inception, Graphics Systems, Inc. has sustained consistent growth in the sign and decal manufacturing industry. Graphics Systems, Inc. is currently planning an expansion of their existing facility, including construction of additional manufacturing space and the purchase of new equipment. Graphics Systems, Inc. is now requesting approval of an Economic Development Tax Exemption on the new construction and manufacturing equipment, in conjunction with the expansion project.

Graphics Systems, Inc. designs, manufactures and installs architectural signage and signage systems. Graphics Systems, Inc. products are supplied to all fifty states in the U.S., and overseas. Graphics Systems, Inc. is a national company with diverse clients such as numerous Fortune 500 companies, major medical centers, hotel chains, restaurant properties, retirement centers, educational facilities, air terminals, local and state government buildings, and manufacturing plants. Signs, decals and graphics are planned, designed, and manufactured by a high-tech computerized process.

Graphics Systems, Inc. currently employs 100 persons. The \$569,550 proposed expansion project includes construction of 1,750 sq. ft. for additional manufacturing space and acquisition of sophisticated computer-laser equipment. The expansion project will create 17 new jobs over the next five years.

The expansion project is itemized in Exhibit I attached hereto. Under the City's Business Incentives Policy, Graphics Systems, Inc. is eligible for the following:

TAX EXEMPTION ELIGIBILITY

<u>ELIGIBLE %</u>	<u>INCENTIVE</u>	<u>EXPLANATION</u>
32.00%	New Job Creation:	Graphics Systems, Inc. will create at least 17 new jobs.
<u>9.75%</u>	Capital Improvements:	Graphics Systems, Inc. will invest at least \$569,550.
41.75%	Sub Total Business - Incentive Eligibility (Maximum allowed is 50%)	
42.50%	Export Premium:	Graphics Systems, Inc. exports 85% of its product outside Kansas.
42.50%	Sub Total – Export Premium (Maximum allowed is 50%)	
<u>20.00%</u>	Location Premium:	Graphics Systems, Inc. is located in the Central redevelopment area (additional 20% allowed)
100.00%	TOTAL EXEMPTION ALLOWED UNDER BUSINESS INCENTIVE POLICY	

Graphics Systems, Inc. is eligible for a 100% tax exemption for a five-plus-five-year term on new real and personal property. A notice of public hearing has been published. Graphics Systems, Inc. has agreed to comply with the conditions set forth in the 1999 revised Business Incentive Policy.

The estimated first year taxes on the proposed \$569,550 project under the 1999 mill levy on property within the Wichita City limits would be \$16,058. The existing building and personal property will stay on the property tax rolls. The tax exemption will be shared among the taxing entities as follows: City - \$4,673; County/State - \$4,743; and USD 259 - \$6,642. Wichita State University Center for Economic Development and Business Research calculated a cost-benefit analysis indicating benefit-to-cost ratios of 1.57 for the City of Wichita; 2.20 for Sedgwick County; 1.00 for USD 259 and 11.15 for the State of Kansas.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion --

Rogers moved that the public hearing be closed; a 100% tax exemption for a five-year-plus term on real and personal property in accordance with the Business Incentives Policy be approved; and the Ordinance be placed on first reading. Motion carried 7 to 0.

-- carried

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ORDINANCE

An Ordinance exempting property from ad valorem taxation for economic development purposes pursuant to Article 11, Section 13, of the Kansas Constitution providing the terms and conditions for ad valorem tax exemption; and describing the property of Graphics Systems, Inc., so exempted, introduced and under the rules laid over.

IRB ROYAL CARIB.

REQUEST FOR LETTER OF INTENT FOR INDUSTRIAL REVENUE BONDS - ROYAL CARIBBEAN CRUISES, LTD. (District IV)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 99-983.

On November 4, 1997, the City Council approved the issuance of a Letter of Intent for Industrial Revenue Bonds ("IRBs") in an amount not-to-exceed \$11.0 million to Royal Caribbean Cruises Ltd. On November 18, 1997, Council approved the issuance of IRBs in the amount of \$6 million. Bond proceeds were used to acquire, renovate and equip a 23,000 sq. ft. facility located at 4729 S. Palisade in south Wichita, for use as a telephone reservation center. Royal Caribbean was also granted a 100% ad valorem tax abatement for a 5-year period. In April, 1998, Council approved a six-month extension of the unused portion of the Letter of Intent. That Letter of Intent expired on November 4, 1998. Royal Caribbean is now requesting a one-year Letter of Intent in an amount not-to-exceed \$18,425,000 and a 100% five-plus-five-year property tax exemption, in conjunction with their current expansion project.

Royal Caribbean, based in Miami, Florida, is one of the largest cruise lines in the world. Royal Caribbean anticipates significant growth as a result of its fleet expansion program. Royal Caribbean currently has nine new cruise ships on order for delivery through 2002. The new cruise ships will provide additional capacity of 21,700 berths.

Royal Caribbean proposes an expansion of the current Wichita facility for the purpose of facilitating increased reservation volume and related operational requirements, in conjunction with the fleet expansion. Bond proceeds will be used to finance the acquisition of two parcels of land adjacent to the existing property and the construction and equipping of a 65,000 sq. ft. two-story office building, including a training facility for employees. As a result of the expansion project, Royal Caribbean expects to create 390 new jobs in the next three years.

This will be in addition to the 500 jobs created as a result of the 1997 bond issue, bringing total Royal Caribbean employment in Wichita to over 890.

An analysis of the uses of project funds is:

USES OF FUNDS

Construction of New Office Building	\$ 8,750,000
Land	3,700,000
Technology Infrastructure	1,850,000
Operations Equipment	<u>4,125,000</u>
Total Cost of Project:	\$18,425,000

The firm of Hinkle Elkouri, L.L.C. will serve as bond counsel in the transaction. The bonds will be privately placed. Royal Caribbean agrees to comply with the Standard Conditions contained in the City's IRB Policy. Wichita State University Center for Economic Development and Business Research calculated a cost-benefit analysis indicating benefit-to-cost ratios of 1.9 for the City of Wichita; 1.62 for Sedgwick County; 1.3 for USD 259 and 4.26 for the State of Kansas.

Royal Caribbean agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. Royal Caribbean qualifies for a five-plus-five-year 100% property tax exemption on the bond financed property, subject to Council review.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard.

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John Rolfe

John Rolfe said the project speaks well of the community and the State.

Motion --

Gale moved that the a one-year Letter of Intent to Royal Caribbean Cruises LTD for industrial revenue bonds in an amount not-to-exceed \$18,425,000 million and a 100% five-plus-five-year property tax exemption, subject to standard letter of intent conditions be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

CHENEY WATERSHED CITIZENS MANAGEMENT COMMITTEE PRESENTATION - CHENEY WATERSHED (STATUS REPORT).

Derek

Derek Zonker reviewed the recent year's implementation progress.

Breakdown of incentive payments to watershed producers:

EPA/KDHE	\$ 77,294
USDA	2,000,949
State Water Recourses & NPS	435,141
City of Wichita	322,936
Total	\$2,836,320

Council Member Martz

Council Member Martz inquired regarding water quality in feed lots and the testing of water.

Derek Zonker

Derek Zonker said the USGS Survey monitors for nitrates, compounds, and any kind of chemicals.

Ammonia a nitrates are not a problem. The most concern is with phosphates and bacteria.

Council Member Martz

Council Member Martz requested copies of chemical reports and welcomed any information the Committee might have to offer.

No action was necessary.

COMMUNITY WEBSITE PRESENTATION AND SPONSORSHIP OF COMMUNITY WEBSITE.

Mike Mayta

Mike Mayta reviewed the Item.

Agenda Report No. 99-984.

The Wichita Eagle has sponsored a web-site, www.wichitaonline.com, offering an array of information and linkages with Wichita and throughout the State of Kansas. Wichita Online will be separate from the companion Wichita Eagle web-site, www.wichitaeagle.com.

Wichita Online will be changing in the near future to encompass an expanded Internet presence and with a new banner of www.kansas.com. Kansas.com will significantly expand capabilities for residents, community groups and organizations, governmental jurisdictions and other Internet users in Wichita and throughout the State to establish an Internet presence in community.kansas.com. To offer the community-at-large the opportunity to develop and maintain organizational web-sites at no cost, the Wichita Eagle is seeking "enterprise" sponsors for this component of the new Kansas.com site.

The City is currently examining ways/means to develop a 24-hour City Hall and provide assistance to neighborhood organizations, community groups, and others to communicate with each other, as well as increase participation in local government and public affairs. The Internet is changing the way the entire world is communicating and the City is moving towards expanding its technology and Internet connectability with residents and organizations within the community. The implementation of this website will advance the capabilities significantly.

Kansas.com officials have outlined their vision for this new website. "Community publishing has no smaller vision than to reinvent the way communities, and organizations within communities, interact..." All organizations, but most especially smaller organizations would have a venue to establish a web-site providing "information to wider access, posting schedules community-wide, and allowing dialog and decision-making with fewer time and space constraints."

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Development of a community organization website under Kansas.com would be free, require no special computer expertise, and have unlimited space. Organization sites would be organized into "channels" of common interest to facilitate information exchange (sites may associate with more than one channel). Examples of community website uses for an organization would include the following features:

- ? Home page
- ? Newsletter
- ? Other information pages (unlimited)
- ? Calendar
- ? Bulletin board
- ? Live chat
- ? Survey forms for feedback
- ? Member lists
- ? Group e-mail to members

On-line support will be available, as well as group training sessions and a user's manual.

Benefits to the City by participating in this website include:

- (1) Tools that will enable the City's website to be more interactive and responsive to organizations and the public-at-large, without additional charge;
- (2) Banner advertising in kansas.com and community.kansas.com that will allow the City to communicate within the website, various programs, initiatives, etc., beyond the website itself (at no additional charge -- kansas.com designers and programmers will design, build and schedule these ads based on City input and goals; and
- (3) City leadership will obtain a jumpstart in a new program unlike any other in building a true community online.

For a relatively modest investment as an "enterprise" sponsor, the City would provide hundreds of community groups and organizations an excellent opportunity to link together in sharing information, ideas, events, and actions. With the advent of a new citizen involvement structure and movement towards more neighborhood connection, this website would be a significant communications linkage to and among users, especially in future City information and service delivery systems now being explored. This new website would provide a large array of network linkages within the State and local areas for citizen and neighborhood groups/organizations to converse, exchange information and scheduling of events.

It is proposed that the City agree to become a first year "enterprise" sponsor (a total of four such sponsors are being solicited). As the development of the "communities" component of Kansas.com moves forward and demonstrates its value, a shared sponsorship with the County, REAP and other regional governmental agencies would be solicited to spread the cost over a larger group of benefiting communities.

An enterprise sponsorship fee is \$50,000 annually. The first year sponsorship would run from start date in the Fall of 1999 through December 2000. Funding for City participation would be through the City's Internal Service Fund savings.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared.

Motion -- carried

Knight moved that City sponsorship be approved and the fee be authorized. Motion carried 7 to 0.

VIRTUAL WEB SITE

VIRTUAL RIBBON CUTTING - WEB SITE.

Mayor Knight cut the virtual ribbon on the Web site.

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CONDEMNATIONS

REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES.

Kurt Schroeder

Superintendent of Central Inspection reviewed the Item.

Agenda Report No. 99-985.

On August 24, 1999 a report was submitted with respect to the dangerous and unsafe conditions of the buildings located on seven (7) properties. The Council adopted a resolution providing for a public hearing to be held on these condemnation actions at 11:00 a.m. on October 12, 1999.

On July 7, 1999, the Board of Code Standards and Appeals (BCSA) held hearings on the following properties:

	<u>Property Address</u>	<u>District</u>
1.	1563 North Belmont	I
2.	4302-04 East Boston	III
3.	3321 East Roseberry	III
4.	3808 East Roseberry	III
5.	2725 South Vassar	III
6.	3357 East Roseberry	III
7.	1029 West 51st North	VI

Pursuant to State Statute the Resolutions were duly published twice August 27th, 1999, and September 3, 1999. A copy of each resolution was sent by certified mail or given personal service delivery to the owners and lien holders of record of each described property.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard and no one appeared on Items 2, 3, and 7.

Motion --

Knight moved that the public hearing be closed, on Items 2, 3, and 4; the Resolutions declaring the building(s) dangerous and unsafe structures be adopted, the staff recommended time frame to alleviate the findings be approved and any extensions of time granted to repair the structures would be conditioned on the following: (1) any back taxes now due are to be paid and taxes kept current, (2) the structures are to be kept secured, and (3) the premises are to be kept mowed and free of debris; if any of these conditions are not met, staff is directed to proceed to let for bids to demolish the structure; and the City Clerk be instructed to have the Resolution published once in the official city paper and advise the owners of these findings. Motion carried 7 to 0.

-- carried

RESOLUTION NO. R-99-386

A Resolution finding that the structure located on Lot 14, Avenue C, Urbandale, Sedgwick County, Kansas, commonly known as 1029 West 51st North, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, read. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-99-387

A Resolution finding that the structure located on Lot 70, Block C, Hilltop Manor Subdivision, a replat of Hilltop Manor and Hilltop Second, Addition to Wichita, Sedgwick County, Kansas, commonly known as 4302-04 East Boston, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-99-391

A Resolution finding that the structure located on Lot 46, Block E, Planeview Subdivision No. 1, Sedgwick County, Kansas, known as 3808 East Roseberry, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

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1. 1563 North Belmont.

Kurt Schroeder Superintendent of Central Inspection reviewed the Item.

Mayor Knight Mayor Knight inquired whether anyone wished to be heard.

Mr. Francisco Mr. Francisco, neighbor and potential buyer of the property, said he had not received title to the property. He had cleaned the yard and would like to complete repairs to the property.

Motion -- Rogers moved that the Item be deferred one week for a staff information report on the progress. Motion carried
-- carried 7 to 0.

4-6. 2725 South Vassar, 3321 East Roseberry, and 3357 East Roseberry.

Kurt Schroeder Superintendent of Central Inspection reviewed the Item.

Council Member Lambke Council Member Lambke suggested that \$500 per property be paid, in advance, when requests are made for time to repair properties.

Kurt Schroeder Superintendent of Central Inspection explained the policy which allows for penalty if additional time is requested and repairs are not made within the time granted.

Rob Snyder Rob Snyder, new property owner for all three properties, spoke in agreement with being required to make a deposit in advance of repairing the properties. Mr. Snyder said he would be willing to put down \$1,000 per property.

Kurt Schroeder Superintendent of Central Inspection recommended a 60 day time period be allowed for completion of repairs.

Motion -- Lambke moved that the public hearing be closed, on Items 4, 5, and 6; the Resolutions declaring the building(s) dangerous and unsafe structures be adopted, the staff recommended time frame to alleviate the findings be approved and any extensions of time granted to repair the structures would be conditioned on the following: (1) any back taxes now due are to be paid and taxes kept current, (2) the structures are to be kept secured, and (3) the premises are to be kept mowed and free of debris; if any of these conditions are not met, staff is directed to proceed to let for bids to demolish the structure; and the City Clerk be instructed to have the Resolution published once in the official city paper and advise the owners of these findings. Motion carried 7 to 0.
-- carried

RESOLUTION NO. R-99-388

A Resolution finding that the structure located on Lot 37, Block J, in Planeview Subdivision No. 1, Section 2, Township 28 South, Range 1 East of the 6th Principal Meridian in Sedgwick County, Kansas, known as 2725 South Vassar, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-99-389

A Resolution finding that the structure located on Lot 21, Block J, Planeview Subdivision No. 1, Section 2, Township 28 South, Range 1 East of the 6th Principal Meridian, Sedgwick County, Kansas, known as 3321 East Roseberry, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

RESOLUTION NO. R-99-390

A Resolution finding that the structure located on Lot 22, Block J, in Planeview Subdivision No. 1, in Section 2, Township 28 South, Range 1 East, of the 6th Principal Meridian Sedgwick County, Kansas, known as 3357 East Roseberry, Wichita, Kansas, is unsafe or dangerous and directing the structure(s) to be made safe and secure or removed, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

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(The City Council considered the following Item later in the meeting. Action is shown in Agenda order.)
(Mayor Knight absent)

PIATT MANOR

PIATT MANOR - 2104 NORTH PIATT.

Agenda Report No. 99-986.

On November 21, 1995, the City Council approved \$100,000 of HOME funds for the acquisition/demolition of a multifamily apartment complex at 2104 N. Piatt (Piatt Manor). At that point, the apartment units had been vacated, due to violations of the City's safety and health codes. In addition, following vacation of the premises, the structures were significantly vandalized, and were partially damaged by fire. Renovation of the structures was deemed not to be economically feasible. On April, 25, 1996, Neighborhood Developments L.C., a limited liability corporation formed by Mennonite Housing and Power CDC, acquired ownership of the property, as evidenced by a deed filed for record with the County.

At the time the HOME funds were invested, the 1993 and 1994 taxes in the amount of \$8,809.34, plus interest were past due and payable, and the 1995 property taxes in the amount of \$4,477.32 were due and payable. Since that time, the 1996 and 1997 taxes have become delinquent, and there is also a City special assessment levied on the property in the amount of \$6,433.07 for emergency board-up and securing of the premises. The total amount of taxes outstanding at this point, including interest, is \$37,218.13.

The Piatt Manor property is scheduled to go to tax foreclosure sale October 19, 1999, in the event the taxes are not paid and the property is not redeemed. The City has been requested to defray the cost of these delinquent taxes to save this property for a planned housing development by the POWER group. Should the property be lost at tax foreclosure, the City would be obligated to reimburse \$100,000 in HOME funds originally invested for acquisition/demolition of this site.

There is a possibility that a portion of the taxes could be refunded, pending outcome of an application for exemption that is currently on file with the State.

If the City Council wishes to continue its support of the housing project at this location, action to waive the special assessment in the amount of \$6,433.07, will be necessary. This would reduce the outstanding liability to \$30,785.06. The funding for payment of the taxes could be re-allocated from HOME program income.

If the taxes are paid and the property is redeemed, perhaps the City could require a reimbursement of these costs when the proposed housing development is completed. If a refund is issued under the exemption application currently pending, Staff will require repayment of these monies prior to disbursement of any HOME funding under the current HOME development agreement, or the pending agreement for operating funding with POWER CDC.

Upon payment of the taxes, Staff will proceed to coordinate transfer of ownership of the property to POWER CDC.

Motion --

Rogers moved that the City Attorney and the Property Management Director be authorized to bid on behalf of the City at the tax foreclosure sale for the Piatt Manor property, 2104 North Piatt, in an amount no greater than \$40,000. Motion carried 6 to 0. (Knight absent)

-- carried

CITY COUNCIL AGENDA

TASK FORCE

REPORTS FROM COUNCIL MEMBERS ON TASK FORCE ACTIVITIES.

This Item was pulled from the Agenda.

APPOINTMENTS

BOARD APPOINTMENTS.

Motion -- carried

Lambke appointed Tom Kessler, CPO 3, and moved that the appointment be approved. Motion carried 7 to 0.

Motion --

Martz appointed Lyman Ray (refrigeration contractor) and Blaire Thorp (boiler contractor) - Mechanical Appeals and moved that the appointments be approved. Motions carried 7 to 0.

-- carried

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CONSENT AGENDA

Knight moved that the Consent Agenda be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED OCTOBER 11, 1999.

Bids were opened October 1, 1999, pursuant to advertisements published on:

1999-2000 CDBG public facilities and improvements (Phase A) concrete - at various locations. (99_602302_A/602302/800901). Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 3/16/99. (Districts I, III and VI)

Barkley Construction - \$517,310.00 (Engineer's estimate)

1999 condemned sidewalk and wheelchair ramps - Phase I - at various locations. (/132100 & 785931/n/a and 399125) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 8/11/98.

Cornejo & Sons Construction - \$170,850.00 (Engineer's estimate)

Lateral 77, Main 22, War Industries Sewer to serve Mediterranean Plaza Addition - north of 29th Street North, east of Rock. (468-83017/743806/480494) Does not affect existing traffic. City Council approval date: 8/10/99. (District II)

Mies Construction - \$6,500.00

Lateral 430, Southwest Interceptor Sewer to serve an Unplatted Tract - south of 55th Street South, east of Meridian. (468-82996/743802/480490) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 6/8/99. (District IV)

WB Carter Construction - \$10,500.00

Bids were opened October 8, 1999, pursuant to advertisements published on:

Reconstruct a portion of Main 3, War Industries Sewer in Fabrique from Funston to Harry - west of Woodlawn, south of Harry. (468-82993/620264/ 669389) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 1/26/99. (District III)

WB Carter Construction - \$126,731.00

Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Exterior Caulking and Sealing of Expo Hall Building. (792308)

Mid-Continental Restoration Company Inc. - \$71,495.00 (Lump sum total)

PARK DEPARTMENT/LANDSCAPE & FORESTRY DIVISION: Riding Front Deck Mower. (172015)

Andale Equipment - \$11,612.95 (Total net bid)

PARK DEPARTMENT/LANDSCAPE & FORESTRY DIVISION: Trees. (791681)

Borst Nursery & Garden Center - \$1,040.00 (Total item 1)

Hillside Nursery Inc. - \$1,625.00 (Total item 2)

Valley Tree Farm - \$1,025.00 (Total item 3)

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Borst Nursery & Garden Center - \$960.00 (Total item 4)
Brady Nursery - \$4,998.00 (Total item 5)
Jenco Wholesale Nurseries - \$2,800.00 (Total item 6)
Jenco Wholesale Nurseries - \$1,650.00 (Total item 7)
Jenco Wholesale Nurseries - \$2,750.00 (Total item 8)
Valley Tree Farm - \$1,807.50 (Total item 9)
Valley Tree Farm - \$2,787.50 (Total item 10)
Jenco Wholesale Nurseries - \$2,750.00 (Total item 11)
Valley Tree Farm - \$2,987.50 (Total item 12)
Brady Nursery Inc. - \$2,698.50 (Total item 13)
Valley Tree Farm - \$3,462.50 (Total item 14)
Jenco Wholesale Nurseries - \$3,200.00 (Total item 15)
Brady Nursery Inc. - \$7,797.00 (Total item 16)
Valley Tree Farm - \$4,270.00 (Total item 17)
Valley Tree Farm - \$5,125.00 (Total item 18)
Valley Tree Farm - \$5,975.00 (Total item 19)
Valley Tree Farm - \$6,475.00 (Total item 20)
Borst Nursery & Garden Center - \$1,040.00 (Total item 21)
Jenco Wholesale Nurseries - \$3,150.00 (Total item 22)
Jenco Wholesale Nurseries - \$5,900.00 (Total item 23)
Valley Tree Farm - \$1,365.00 (Total item 24)
Valley Tree Farm - \$1,957.50 (Total item 25)
Valley Tree Farm - \$3,012.50 (Total item 26)
Valley Tree Farm - \$1,672.50 (Total item 27)
Valley Tree Farm - \$5,575.00 (Total item 28)
Valley Tree Farm - \$1,295.00 (Total item 29)
Jenco Wholesale Nurseries - \$2,310.00 (Total item 30)
Valley Tree Farm - \$6,475.00 (Total item 31)
Valley Tree Farm - \$3,675.00 (Total item 32)
Valley Tree Farm - \$6,175.00 (Total item 33)
Jenco Wholesale Nurseries - \$13,050.00 (Total item 34)
Brady Nursery Inc. - \$4,225.00 (Total item 35)
Jenco Wholesale Nurseries - \$2,700.00 (Total item 37)
Valley Tree Farm - \$2,687.50 (Total item 38)
Valley Tree Farm - \$1,025.00 (Total item 39)
Valley Tree Farm - \$1,537.50 (Total item 40)
Brady Nursery Inc. - \$4,497.50 (Total item 41)

WATER & SEWER DEPARTMENT/PRODUCTION & PUMPING DIVISION: Repair to Soil Cement Surface of Cheney Dam. (633704)

Dondlinger & Sons Construction Co., Inc. - \$178,686.00 (Total net bid)
\$98.00 (Item 1/per cubic yard)
\$98.00 (Item 1/Option #1/per cubic yard over)
\$ 5.00 (Item 2/per cubic yard)
\$ 5.00 (Item 2/option #1/per cubic yard over)
\$ 1.40 (Item 3/per square foot)
\$ 1.40 (Item 3/option #1/per square foot over)

PUBLIC WORKS DEPARTMENT/MAINTENANCE DIVISION: Street Sign Hardware. (132217)

Hall Signs, Inc. - \$3.55 (Item 1/per each)
\$3.41 (Item 2/per each)

PUBLIC WORKS DEPARTMENT/STORM WATER MANAGEMENT DIVISION: Storm Water Drainage Repairs. (660453)

W.B. Carter Construction Co., Inc. - \$308,631.00 (Total net bid)

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PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Elevated Walkway, Miscellaneous Repairs and Roof Replacement. (205203)

Roof Mechanics Inc. - \$15,900.00* (Total net bid)

*Negotiated price

PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Above Ground Two-Post Vehicle Lift Installation. (130807)

O'Reilly Auto Parts - \$13,635.00* (Total net bid)

*Redirected award of 6-21-99

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

LICENSES

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>1999</u>	<u>(Consumption on Premises)</u>
Maria E. Maskrid	El Matador Lounge	2033 South Broadway
Ruben Hernandez Jr.	Un Ratito Lounge	3537 North Broadway
		<u>(Consumption off Premises)</u>
W. Kent Laughman	Falley's Inc. dba Food 4 Less #18	6727 West Central
W. Kent Laughman	Falley's Inc. dba Food 4 Less #23	2141 South Meridian
W. Kent Laughman	Falley's Inc. dba Food 4 Less #25	2021 North Amidon
W. Kent Laughman	Falley's Inc. dba Food 4 Less #37	3020 East Douglas
W. Kent Laughman	Falley's Inc. dba Food 4 Less #38	640 North West Street
W. Kent Laughman	Falley's Inc. dba Food 4 Less #40	1212 South Woodlawn
W. Kent Laughman	Falley's Inc. dba Food 4 Less #41	2445 South Seneca
<u>New Establishment</u>	<u>1999</u>	<u>(Consumption on Premises)</u>
Darren Woodard	Antarcitca*	2034 North Amidon
Robert Potter	Neat-O Burrito Inc.*	3415 East Harry Street

*General/Restaurant -- 50% or more of gross receipts derived from sale of food.

Motion --carried

Knight moved that the licenses be approved subject to Staff approval. Motion carried 7 to 0.

PLANS AND SPECS.

PLANS AND SPECIFICATIONS:

a. 1999 water main replacement program, Group 1; Broadway from Murdock to 11th Street St. Francis from 13th to 17th; St. Francis at St. Francis Hospital; McCormick from St. Clair to Glenn. (448-89418 /636089/779169) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 1/26/99. (District IV & VI)

b. 1999 sanitary sewer reconstruction program, Phase VI. (468-83038/620270/669395) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 1/26/99. (Districts I, III, IV, V, and VI)

c. 1999 sanitary sewer reconstruction program, Phase VII. (468-83039/620273/669398) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 1/26/99. (Districts IV, V, and VI)

d. 27th Street South from the east line of Custer to the west line of St. Paul to serve Wichita Builders Third and Builders Fourteenth Additions - south of Pawnee, west of Meridian. (472-83099/765591/490702) Traffic to be maintained during construction. City Council approval date: 6/8/99. (District IV)

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Motion --
-- carried

Knight moved that the Plans and Specifications be approved and the City Clerk be instructed to advertise for bids to be submitted to the Board of Bids and Contracts by 10:00 a.m., October 22, 1999. Motion carried 7 to 0.

SUBDIVISION PLANS AND SPECIFICATIONS:

a. Chateau from the north line of Lot 1, Block 1, south to and including the cul-de-sac; Mt. Vernon from the west line of Lot 1, Block 1, to the east line of Lot 26, Block 3; Smithmoor from the south line of Mt. Vernon to the east line of Lot 18, Block 3, and; Leeanne Lane from the east line of Lot 18, Block 3, to the south line of Mt. Vernon to serve Smithmoor Ninth Addition - south of Harry, west of Greenwich. (472-83107/765599/490710) Does not affect existing traffic. City Council approval date: 6/15/99. (District II)

b. 43rd Street South from the west line of Lot 18, Block 8 to the west line of Meridian; 44th Street South from the west line of Lot 13, Block 11 to the west line of Meridian; Richmond from the north line of 44th Street South to the south line of 43rd Street South; Richmond Court from the west line of Richmond to and including the cul-de-sac; and sidewalk on the south side of 43rd Street South, from the west line of Lot 18, Block 8 to the west line of Meridian and on both sides of 44th Street South from the west line of Lot 13, Block 11 to the west line of Meridian to serve The Legacy Addition - west of Meridian, south of MacArthur. (472-83118/765592/490703) Does not affect existing traffic. City Council approval date: 6/22/99. (District IV)

c. Cherry Hill Circle from the north line of Castle Pines Street to and including the cul-de-sac; Castle Pines Street from the east line of Cherry Hill Circle to the east line of Barton Creek Drive; Castle Pines Branch serving Lots 1 and 2, Block 5 and Lots 3 and 4, Block 4, from the east line of Reserve "B" to the west line of Castle Pines Street serving Lots 1 and 2, Block 4 and Lots 3 and 4, Block 3 from the east line of Reserve "B" to the west line of Castle Pines Street; and sidewalk on the south and west sides of Castle Pines Street from the east line of Cherry Hill Circle to the east line of Barton Creek Drive to serve Willowbend North Estates Addition - west of Rock, south of 45th Street North. (472-83119/765598/490709) Does not affect existing traffic. City Council approval date: 8/24/99. (District II)

d. Storm Water Drain No. 146 to serve Smithmoor Ninth Addition - south of Harry, west of Greenwich. (468-82994/751279/485170) Does not affect existing traffic. City Council approval date: 6/15/99. (District II)

e. Lateral 2, Main 18, Southwest Interceptor Sewer to serve Hickory Creek Estates - south of 13th, west of 119th Street West. (468-82563/743812/480500) Does not affect existing traffic. City Council approval date: 1/23/96. (District V)

f. Lateral 387, Southwest Interceptor Sewer to serve Northridge Lakes Addition - east of Tyler, south of 29th Street North. (468-82783/743811/480499) Does not affect existing traffic. City Council approval date: 12/9/97. (District V)

g. Water distribution system to serve Smithmoor Ninth Addition - south of Harry, west of Greenwich. (448-89387/734938/470608) Does not affect existing traffic. City Council approval date: 6/15/99. (District II)

h. Water distribution system to serve Hickory Creek Estates - south of 13th, west of 119th Street West. (448-88982/734942/470612) Does not affect existing traffic. City Council approval date: 1/23/96. (District V)

i. Water distribution system to serve Northridge Lakes Addition - east of Tyler, south of 29th Street North. (448-89224/734943/470613) Does not affect existing traffic. City Council approval date: 12/9/97. (District V)

Motion --
-- carried

Knight moved that the Plans and Specifications be approved and the City Clerk be instructed to advertise for bids to be submitted to the Board of Bids and Contracts by 10:00 a.m., October 22, 1999. Motion carried 7 to 0.

PRELIMINARY ESTS.

PRELIMINARY ESTIMATES:

a. Hoover, from the south line of First Street to the north line of Second Street to serve Westbreeze Addition and Unplatted Tracts - south of Central, east of I-235. (472-83066/765566/490677) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 2/2/99. (District IV) - \$115,000.00

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- b. Second Street, from the east line of Hoover to the west line of Flora, and from the east line of Flora to the west line of Elder to serve Fruitvale Park and Westbreeze Additions - south of Central, east of Hoover. (472-82978/765214/490623) Traffic to be maintained during construction. City Council approval date: 8/4/98. (District IV) - \$123,000.00
- c. Third Street, from the west line of Florence to the west line of West Street to serve Masterbilt, McPherson, Loyd, and Parkwilde Additions - south of Central, west of West Street. (472-82979 /765222/490624) Traffic to be maintained during construction. City Council approval date: 8/4/98. (District IV) - \$100,000.00
- d. Maywood from the east line of Seneca to 112 feet east of Southwind to serve South Seneca Gardens Third Addition - south of 47th Street South, east of Seneca. (472-82995/765388/490640) Traffic to be maintained through construction. City Council approval date: 9/15/98. (District IV) - \$240,800.00
- e. Lockwood from the east line of Seneca to the west line of Southwind to serve South Seneca Gardens Third Addition - south of 47th Street South, east of Seneca. (472-82980/765206/490622) Traffic to be maintained through construction. City Council approval date: 8/4/98. (District IV) - \$255,200.00
- f. 13th Street North from approximately 600 feet east of Rock Road to the east City limits. (472-83028 /706770/208231) Traffic to be maintained during construction using flagpersons and barricades, except that the street may be closed completely for one 45-day period. City Council approval date: 4/20/99. (District II) - \$1,065,000.00
- g. Water line adjustments in connection with paving Central, 127th East to 143rd East - east of 127th Street East at Central. (448-89369/635603/769663) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 1/26/99. (County) - \$169,720.80
- h. Parkdale from the southerly line of Lot 40, Block 4, to the north line of Lot 20, Block 4; Central Park from the east line of Lot 1, Block 8, to the west line of Lot 16, Block 4; Parkdale from the north line of Central Park to the north line of Lot 1, Block 9; Ryan from the east line of Parkdale to the east line of Lot 9, Block 8; and Parkdale Courts (2) serving Lots 20 through 40, Block 4 to serve Evergreen Addition - west of Maize Road, north of 21st Street. (472-83133/765596/490707) Does not affect existing traffic. City Council approval date: 8/10/99. (District V) - \$306,000.00
- i. Pepper Ridge from the south line of Lot 12, Block 5, to the north line of Lot 23, Block 5; and Forest Park, from the east line of Pepper Ridge to the west line of Lot 1, Block 3 to serve Forest Lakes West Addition - north of 29th Street North, east of Tyler. (472-82871/765587/490698) Does not affect existing traffic. City Council approval date: 9/23/97. (District II) - \$220,000.00
- j. Lateral 429, Southwest Interceptor Sewer to serve Ridge Port North Addition - south of 37th Street North, east of Ridge Road. (468-82987/743809/480497) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 5/25/99. (District V) - \$403,000.00
- k. Lateral 62, Main 9, Sanitary Sewer No. 23 to serve Willowbend North Estates Addition - west of Rock, south of 45th Street North. (468-82998/743808/480496) Does not affect existing traffic. City Council approval date: 8/24/99. (District II) - \$124,000.00
- l. Water distribution system to serve The Legacy Addition - west of Meridian, south of MacArthur - (448-89392/734931/470601) Does not affect existing traffic. City Council approval date: 6/22/99.(District IV) - \$50,000.00
- m. Water distribution system to serve Ridge Port North Addition - south of 37th Street North, east of Ridge Road. (448-89389/734937/470607) Traffic to be maintained during construction using flagpersons and barricades. City Council approval date: 5/25/99. (District V) - \$312,000.00
- n. Water distribution system to serve Willowbend North Estates Addition - west of Rock, south of 45th Street North. (448-89393/734935/470605) Does not affect existing traffic. City Council approval date: 8/24/99. (District II) - \$105,000.00
- o. (Amended) Accel/decel lane on 21st Street and a water system to serve Lot 11, Block 2, Horseshoe Lake Addition - north of 21st, east of Ridge. (472-83102/765579/490690) City Council approval date: 4/27/99. (District V) Amended estimate - \$78,624.00

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Motion --carried

Knight moved that the Preliminary Estimates be approved and filed. Motion carried 7 to 0.

STATEMENT OF COST STATEMENT OF COST.

a. Amended Statement of Cost for improving Lateral 10, Main 17, Southwest Interceptor Sewer in Forest Lakes Addition (north of 29th Street North, west of Ridge Road). Total Cost - \$48,243.00 (plus idle fund interest - \$1,690; plus temporary note financing - \$0). Financing to be issued at this time - \$49,933.00. (743790/468-82308/480-478).

Motion -- carried

Knight moved that the Statement of Cost be approved and filed. Motion carried 7 to 0.

DEEDS/EASEMENTS DEEDS AND EASEMENTS:

a. Sanitary sewer easement dated August 25, 1999, from Newman University, Inc., a Kansas corporation, for a tract of land in the SE 1/4 of Sec. 25, Twp. 27-S, R-1-W for the 6th P.M., Sedgwick County, Kansas. (Private project - index code 607861) No cost to City.

b. Sanitary sewer easement dated September 7, 1999, from RRGNL, L.L.C., a Kansas limited liability company, for a tract of land in the SE 1/4 of Sec. 33, Twp. 26-S, R-1-W of the 6th P.M., Sedgwick County, Kansas. (Private project - index code 607861) No cost to City.

c. Utility easement dated September 28, 1999, from Regency Park of Wichita, L.L.C., for a tract of land in the NE 1/4 of Sec. 4, Twp. 27-S, R-2-E of the 6th P.M., Sedgwick County, Kansas - 29th Street Northeast Soccer Fields. (Index code 765588) No cost to City.

d. Utility easement (to be dated), from City of Wichita, a municipal corporation, for a tracts of land in the SE Quarter of Sec. 33, Twp. 26-S, R-2-E of the Sixth P.M., Sedgwick County, Kansas and the NE 1/4 of Sec. 4, Twp. 27-S, R-2-E of the Sixth P.M., Sedgwick County, Kansas- 29th Street/northeast soccer fields. (Index code 765588) No cost to City.

e. Utility easement dated August 5, 1999, from Builders Development, Inc., for a tract of land in the Legacy Addition (Lat. 431, SWI - index code 743803). No cost to City.

f. Water easement dated September 9, 1999, from Eastgate Plaza, LTD., a Texas limited partnership, for a tract of land in the Sharon Ryan Addition. (Project 547-840, index code 188425) No cost to City.

Motion -- carried

Knight moved that the documents be received and filed. Motion carried 7 to 0

WATER SYSTEM

PETITION FOR WATER DISTRIBUTION SYSTEM TO SERVE THE WEST HALF OF LOT 61, VALLEY ACRES ADDITION – SOUTH OF 10TH STREET, WEST OF CUSTER. (District VI)

Agenda Report No. 99-988.

The signature on the Petition represents one owner that owns 100% of the improvement district.

The water line will serve a new single-family home.

The estimated project cost is \$6,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or by the owners of the majority of the property in the improvement district.

Motion – carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

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RESOLUTION NO. R-99-392

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89425 (south of 10th, West of Custer), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

SANITARY SEWER

PETITION TO CONSTRUCT A SANITARY SEWER TO SERVE PART OF LOT 1, BLOCK 2, KESSLER-KOCH ADDITION – NORTH OF 31ST STREET SOUTH, EAST OF WEST STREET.
(District IV)

Agenda Report No. 99-989.

The Petition has been signed by one owner, representing 100% of the improvement district.

This project will provide sanitary sewer service to an industrial site.

The estimated project cost is \$48,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or by the owners of the majority of the property in the improvement district.

Motion --carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-99-393

Resolution of findings of advisability and Resolution authorizing construction of Lateral 428, Southwest Interceptor Sewer, (north of 31st Street South, east of West Street), 468-82984, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

LEFT-TURN LANE

PETITION TO CONSTRUCT A LEFT-TURN LANE AT MERIDIAN - NORTH OF 42ND STREET NORTH. (District VI)

Agenda Report No. 99-990.

The Petition has been signed by one owner representing 100% of the improvement district.

These improvements will serve a new residential development. The work will be done as part of the Meridian improvement, from I-235 to the North City Limits.

The estimated project cost is \$30,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or by the owners of the majority of the property in the improvement district.

Motion – carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-99-394

Resolution of findings of advisability and Resolution authorizing construction of a left turnlane at Meridian (north of 42nd Street North), 472-83141, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

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STORM WATER

PETITION TO CONSTRUCT A STORM WATER DRAIN TO SERVE PLAZA CENTRAL OFFICE PARK – SOUTH OF CENTRAL, EAST OF GREENWICH. (District II)

Agenda Report No. 99-991.

On March 16, 1999, the City Council approved a Petition to construct improvements for Plaza Central Office Park. Based on recent bid prices, it is doubtful there is sufficient funding in the original Petition to award a construction Contract.

A new Petition with an increased budget has been submitted. The signature on the new Petition represents one owner of 100% of the improvement district.

The original Petition totaled \$187,500. The new Petition totals \$270,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or by the owners of the majority of the property in the improvement district.

Motion – carried

Knight moved that the Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-99-395

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Drain No. 143 (south of Central, east of Greenwich) Project No. 468-82976. in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotta, Rogers, Knight.

BOARDS MINUTES

MINUTES OF ADVISORY BOARDS/COMMISSIONS:

Board of Code Standards and Appeals, 9-8-99
Board of Park Commissioners, 9-13-99
CPO Northeast Council 1, 9-27-99
CPO East Council 2, 9-27-99
CPO Southeast Council 3, 9-9-99
CPO Southeast Council 3, 9-23-99
CPO Southwest Council 4, 9-23-99
CPO Northwest Council 5, 9-29-99
CPO North Central Council 6, 9-29-99
Commission on the Status of People with Disabilities, 8-25-99
Metropolitan Area Planning Commission (MAPC), 7-15-99
Metropolitan Area Planning Commission (MAPC), 7-22-99
Wichita Employees' Retirement System, 8-25-99
Wichita Historic Preservation, 7-12-99
Wichita Public Library, 9-21-99

Motion -- carried

Knight moved that the Minutes be received and filed. Motion carried 7 to 0.

STREET CLOSURES

CONSIDERATION OF STREET CLOSURES/USES.

Agenda Report No. 99-1032.

In accordance with the Special Events Procedure, event sponsors are to notify adjacent property owners and coordinate arrangements with Staff, subject to final approval by the City Council.

The following street closure request have been submitted:

1) KAKE-TV, Wichita Marathon

Street Closure: Douglas eastbound from Main to Emporia.

October 17, 1999, 10:00 a.m. to 12:00 noon.

Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

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Motion --

Knight moved that the request be approved subject to: (1) Event Sponsors notifying every property and/or business adjoining any portion of the closed street; (2) Coordination of event arrangements with City Staff; (3) Hiring off-duty public safety officers as required by the Police Department; (4) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Departments; (5) Submitting a Certificate of Insurance evidencing general liability insurance which covers the event and its related activities, including the naming of the City as an additional insured with respect to the event's use of the closed City streets. Motion carried 7 to 0.

--carried

DESIGN SERVICES

AGREEMENT FOR DESIGN SERVICES FOR WATER DISTRIBUTION SYSTEM - LINCOLN TO KELLOGG, HILLSIDE TO EDGEMOOR. (District II)

Agenda Report No. 99-992.

The City Council approved the project on January 26, 1999.

The proposed Agreement between the City and Austin Miller, P.A. provides for the design of Water Distribution System No. 448 89416. The Staff Screening & Selection Committee selected Austin Miller for the design on August 16, 1999.

Payment will be on a lump sum basis of \$63,000 and will be paid by Water Utility Operating Revenues.

Motion --

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

DESIGN SERVICES

AGREEMENT FOR DESIGN SERVICES FOR 21ST STREET FROM 119TH STREET WEST TO MAIZE ROAD. (District V)

Agenda Report No. 99-993.

The City Council approved the project on August 10, 1999.

The proposed Agreement between the City and Savoy, Ruggles & Bohm, P.A. (SRB) provides for the design of 21st Street North from Maize Road to, and including the intersection of 119th Street West (MS-9304), associated petitioned projects, and incidental water and sewer lines. The Staff Screening and Selection Committee selected SRB for the design on September 3, 1999.

Payment will be on a lump sum basis of \$87,220, and will be paid by General Obligation Bonds.

Motion --

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

DESIGN SERVICES

AGREEMENT FOR DESIGN SERVICES FOR RIDGE PORT NORTH ADDITION – SOUTH OF 37TH STREET, EAST OF RIDGE. (District V)

Agenda Report No. 99-994.

The City Council approved the Ridge Port North Addition plat on May 25, 1999.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements in the Ridge Port North Addition. Per Administrative Regulation 7a, staff recommends the selection of Baughman because Baughman provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$51,000, and will be paid by special assessments.

Motion --

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

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DESIGN SERVICES

AGREEMENT FOR DESIGN SERVICES FOR WATER DISTRIBUTION SYSTEM – PAWNEE TO HARRY, MCLEAN TO WASHINGTON. (Districts I, III, and IV)

Agenda Report No. 99-995.

The City Council approved the project on January 26, 1999.

The proposed Agreement between the City and Professional Engineering Consultants, P.A. (PEC) provides for the design of Water Distribution System No. 448 89412. The Staff Screening & Selection Committee selected PEC for the design on August 16, 1999.

Payment will be on a lump sum basis of \$62,000 and will be paid by Water Utility Operating Revenues.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

DESIGN SERVICES

AGREEMENT FOR DESIGN SERVICES FOR WATER DISTRIBUTION SYSTEM – 13TH STREET TO 21ST STREET, HYDRAULIC TO HILLSIDE. (District I)

Agenda Report No. 99-996.

The City Council approved the project on January 26, 1999.

The proposed Agreement between the City and Professional Engineering Consultants, P.A. (PEC) provides for the design of Water Distribution System No. 448 89415. The Staff Screening & Selection Committee selected PEC for the design on August 16, 1999.

Payment will be on a lump sum basis of \$59,000 and will be paid by Water Utility Operating Revenues.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

DESIGN SERVICE

SUPPLEMENTAL AGREEMENT FOR DESIGN SERVICE – MAPLE, MAIZE TO 135TH STREET WEST. (District V)

Agenda Report No. 99-997.

On February 9, 1999, the City Council entered into an Agreement with Savoy, Ruggles & Bohm, P.A. (SRB) for the design of Maple from Maize to 135th Street West.

The proposed Supplemental Agreement between the City and SRB provides for engineering services to design a sixteen-inch water line in Maple between Maize and 119th

Payment to SRB for Supplemental Agreement will be made on a cost plus percentage of cost basis and not to exceed \$3,500. The funding source is Water Utility Operating Revenues.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

U.S.G.S.

JOINT FUNDING WITH UNITED STATES DEPARTMENT OF INTERIOR, GEOLOGICAL SURVEY. (U.S.G.S.)

Agenda Report No. 99-998.

On February 7, 1995, the City Council approved Phase I-Project I of the Equus Beds Recharge Demonstration Project and the Joint Funding Agreement with the U.S.G.S. allowing them to assist the City in collecting and analyzing samples required to monitor the success and effects of the project. The City Council subsequently approved an annual contract to continue the work.

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The Agreement is a cooperative agreement for measuring groundwater levels in the City of Wichita's wellfield, for operating and maintaining three streamflow gages on the Little Arkansas River, and for performing water quality sampling and analysis for the Equus Beds Recharge Project. The City has participated in the water level monitoring project for many decades as a cooperative program between the Wichita Water and Sewer Department and U.S.G.S. The U.S.G.S. measures and stores information from approximately 268 wells and publishes maps of the groundwater levels. The streamflow gages, installed in 1994, provide information about the flow of the river so that the City can determine if water is available to recharge the wellfield, along with the quality of the water.

The Agreement before City Council combines the water level work, streamflow monitoring, demonstration project water analysis, and water quality analysis needed to implement the full-scale recharge project into a multi-year agreement.

Accurate groundwater water information is vital for the management of groundwater resources, and water quality monitoring is vital to assure that there is no deterioration in water quality associated with the City's groundwater recharge efforts. The water monitoring project is a continuing program of collection, analysis, and storage of data that is required to analyze the groundwater resources of the Equus Beds where Wichita's water supply wells are located. This project includes measuring water levels in the network of wells in the wellfield, storing the data in a computer file, and providing the City with quarterly water level change maps. Efforts to recharge the Equus Beds using water from the Little Arkansas River makes this information crucial.

Measuring the quality of the water in the Little Arkansas River, the bank storage water, and the effects of using that water to recharge the Equus Beds Wellfield are a major component of the Demonstration Project and the full-scale recharge project. The locations, frequencies, and parameters measured in the water sampling program have been developed in cooperation with the Kansas Department of Health and Environment, the Environmental Protection Agency (E.P.A.), and Bureau of Reclamation. The analysis done by the U.S.G.S. is on organic and other elements that the Water and Sewer Department's Laboratory is unable to perform.

The Agreement with U.S.G.S. includes work to complete the final two years of the project. In addition, it includes the collection of baseline groundwater quality needed for the full-scale recharge project. Data will be collected from as many as 90 new "index" wells which will be used to monitor water quality and levels, as part of the full-scale recharge project.

Funding for this project is included in Water Supply Plan (CIP W-549) which has a total of \$7,000,000 budgeted in 2000, \$7,300,000 budgeted in 2001, \$4,600,000 budgeted in 2002, \$16,800,000 budgeted in 2003, \$16,500,000 budgeted in 2004 and \$15,500,000 budgeted in 2005. The Agreement with the U.S.G.S. represents a substantial financial investment in water quality monitoring in the wellfield; however, there are other costs associated with the project. As indicated, the total estimated costs for water analysis and construction exceeds the amount budgeted in some of the project years, which may result in modifying construction schedules so that adequate funding becomes available.

City Council authorization is required for projects that exceed \$10,000.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

EASEMENT

EASEMENT ENCROACHMENT – 3909 WEST BOUNOUS STREET. (District IV)

Agenda Report No. 99-999.

The agreement allows Jack E. Banks to occupy and construct for 3909 West Bounous St. improvements on, over and across the aforesaid public easement described as 80 feet in width located in the vacated Merton Street right-of-way including the north 40 feet of Lots 1 and 2, Block 2, and the south 40 feet of Lots 1 and 2 of Block 3, West Warehouse Addition, Wichita, Sedgwick County, Kansas, hereinafter referred to as Tract "A" and waives all rights of action in law arising out of the encroachment into the easement. The improvement is to be along the north 15 feet of Lots 1, Block 3, the west 15 feet of the north 50 feet of Lot 1, Block 3, and the north 15 feet of the west 15 feet of Lot 2, Block 3, West Warehouse Addition for the construction of a private utility line.

The agreement allows the City to be held harmless from any and all claims resulting from leaking, cave-in or failure of said sewer line main lying within Tract "A" and from claims resulting from replacement or upgrade of lines, manholes, and/or other Department property in the easement.

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Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

EASEMENT

EASEMENT ENCROACHMENT – 2722 NORTH STONEY POINT. (District V)

Agenda Report No. 99-1000.

The agreement allows Charles W. Cornett to occupy and construct for 2722 North Stoney Point improvements on, over and across the aforesaid public easement described as 20 feet in width and 69 feet in length on the east property line and 10 feet in width and 120 feet in length along the south property line of Lot 12, Block 9, Evergreen Addition, Wichita, Sedgwick County, Kansas, hereinafter referred to as Tract "A" and waives all rights of action in law arising out of the encroachment into the easement. The improvement is to be in the southeast corner of the lot for the construction of a utility shed.

The agreement allows the City to be held harmless from any and all claims resulting from leaking, cave-in or failure of said sewer line main lying within Tract "A" and from claims resulting from replacement or upgrade of lines, manholes, and/or other Department property in the easement.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

SANITARY SEWER

BASIN FOUR SANITARY SEWER EXTENSION AND SERVICE STUDY. (District V)

Agenda Report No. 99-1001.

In March 1997, City Council authorized Staff to retain professional engineering services to develop a Sewer Master Plan for the northwest area to address current and future sewer system needs. On January 19, 1999, City Council approved a plan for sanitary sewer improvements to serve northwest Wichita, including a new treatment plant.

Staff developed a Request for Proposals (RFP) for the sanitary sewer extension and service study for Basin 4 of the Sewer Master Plan for Northwest Wichita and sent it to qualified engineering firms. The Staff Screening and Selection Committee reviewed proposals and recommended the firm of GBA to perform the work. The Contract with GBA will include determining line capacities of the existing sewer systems, a preliminary sanitary sewer main system layout, and the required line sizes to carry the projected flows.

CIP S-514, Improvements in Basin 4, was approved by City Council on September 28, 1999, in the amount of \$50,000. The cost of the professional services, as described in the Scope of Services of the proposed Contract, will not exceed \$23,900.

City Council approval is required for projects in excess of \$10,000.

Motion --
-- carried

Knight moved that the Contract with George Butler Associates, Incorporated (GBA) be approved and the necessary signatures be authorized. Motion carried 7 to 0.

LAWRENCE-DUMONT

LAWRENCE-DUMONT STADIUM – VARIOUS REPAIRS AND MODIFICATIONS. (District IV)

Agenda Report No. 99-1002.

August 31, 1999, the City Council approved Resolution No. R-99-336 authorizing the selection of a Contractor to replace the Lawrence-Dumont Stadium synthetic infield and warning track.

Replacement of the infield and warning track surfaces is required to ensure the complex meets current professional standards. Construction needs to begin no later than October 25, 1999 to have it completed in time to meet commitments for the 2000 baseball season.

Request for Proposal's were mailed August 16, 1999 to the following four companies: SafePlay International Inc., Ford Sports Installation, Southwest Recreational Industries, Inc., and Alpine Services. These companies were selected based on their history, reputation, and capabilities concerning the installation of artificial sports surfaces.

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Two companies, SafePlay International Inc. and Southwest Recreational Industries, Inc. responded. Southwest Recreational Industries, Inc. was selected because they offered the most suitable product and service at the lowest cost. It is recommended the Purchasing Manager execute a Contract with Southwest Recreational Industries, Inc. at a cost not to exceed \$480,000 plus the cost of bonds and insurance.

The 2000 CIP (PB-9225) has a total of \$500,000 budgeted for the repairs and modifications.

The Contract is being negotiated and will be reviewed as to form by the Law Department.

Motion -- carried

Knight moved that the Purchasing Manager be authorized to execute a Contract. Motion carried 7 to 0.

DRUG COURT

CONTRACT FOR EVALUATION OF THE CITY TREATMENT-BASED DRUG COURT.

Agenda Report No. 99-1003.

The City of Wichita requested proposals from qualified businesses to collect and analyze data related to its Drug Court Program. The City's Drug Court is a specialized court, which was established under a grant from the Office of Justice Programs. Presently there are approximately 250 to 300 participants in the drug court program who are receiving treatment services. The data collected will assist the City in demonstrating program effectiveness, educating the drug court as to what works and what doesn't work, and providing much needed information that will assist in the improvement of the program.

Three proposals were received for the evaluation of the City of Wichita Treatment-Based Drug Court Program. The National Center for State Courts was chosen, as they met the requirements of the request for proposal. The consultant is required to: (a) provide an objective assessment of the usefulness of the drug court program in preventing subsequent drug use and crime and in promoting recovery for substance abuse; (b) help court leaders and community officials determine if the program is cost-effective for dealing with the adult addict; and (c) ensure that the program operation is accountable to state and local governments, the business community and the citizenry as a whole.

Funds in the amount of \$19,600 are available from the Drug Court Enhancement Grant No. 97-DC-VX-0143.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

KELLOGG/WEST ST.

CHANGE ORDER - KELLOGG/WEST STREET INTERCHANGE LANDSCAPING. (District IV)

Agenda Report No. 99-1004.

On December 13, 1994, the City Council approved a project to landscape the intersection of Kellogg and West Street. The work consisted of installing brick pavers, plant materials and an irrigation system within State Highway right-of-way.

After work began, it was determined that additional excavation was required in the medians in order to achieve a sound subgrade for the brick pavers. The removal of all rock and pavement also increased the amount of topsoil needed to fill plant beds. The size and volume requirements of several irrigation drip zones were increased to accommodate the larger planting areas. A Change Order has been prepared that authorizes the additional work. Funding is available within the project budget.

The total cost of the additional work is \$21,640. The funding source is the Local Sales Tax and 80% Federal ISTEA Transportation Enhancement Funds.

The Change Order amount is within 25% of the construction Contract cost limit set by the City Council policy.

Motion -- carried

Knight moved that the change order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

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I-235/ZOO BLVD.

CHANGE ORDER I-235/ZOO BOULEVARD INTERCHANGE IMPROVEMENT. (District VI)

Agenda Report No. 99-1005.

On November 10, 1998, the City Council approved a construction Contract to improve the I-235/Zoo Boulevard Interchange funded jointly by the City and the Kansas Department of Transportation (KDOT). The new construction has in the Interchange has increased the amount of storm water runoff to existing ditches, beyond the improvement area. This increase, along with the recent heavy rains, has caused severe erosion to the KDOT ditch south of the interchange. The problem can be corrected by installing a catch basin and storm sewer.

A Change Order has been prepared that authorizes the additional work. Funding is available within the project budget.

The total cost of the additional work is \$15,835. The Kansas Department of Transportation will fund the additional work.

Motion -- carried

Knight moved that the change order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

MURDOCK

CHANGE ORDER - MURDOCK IMPROVEMENT – WACO TO WABASH. (District VI)

Agenda Report No. 99-1006.

On May 12, 1998, the City Council approved a construction agreement to improve Murdock to a five-lane roadway between Waco and Wabash Street. During construction, it was determined that ten business buildings had roof drains connecting to the old storm sewer system. The roof drains were reconnected to the new storm sewer system to prevent flooding.

A Change Order has been prepared that authorizes the additional work. Funding is available within the project budget.

The total cost of the additional work is \$40,000. The funding source is General Obligation Bonds.

The Change Order amount is within the 25% of the construction Contract cost limit set by the City Council policy.

Motion -- carried

Knight moved that the change order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

PARKRIDGE/BLAKE

CHANGE ORDER - PARKRIDGE AND BLAKE STREET PAVING IN HUNTERS RIDGE ADDITION. (District V)

Agenda Report No. 99-1007.

On August 3, 1999, the City Council approved a construction Contract to pave streets in Hunters Ridge Addition, a new residential development. During construction, it was determined that the street elevation should be lowered to facilitate rear lot drainage for existing homes.

A Change Order has been prepared that authorizes the additional work. Funding is available within the project budget.

The total cost of the additional work is \$13,447. The funding source is special assessments.

The Change Order amount is within the 25% of the construction Contract cost limit set by the City Council policy.

Motion -- carried

Knight moved that the change order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

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EQUIP. PURCHASE

PURCHASE OF EQUIPMENT – PUBLIC WORKS/FLEET AND BUILDINGS DIVISION.

Agenda Report No. 99-1008.

The current file server in the Fleet and Buildings Division of Public Works was installed in 1995 and is utilized to manage the division's integrated software system (Pentamation). The microcomputer workstation based program is designed to manage all City vehicle/equipment maintenance, building/facility maintenance, custodial services, and control inventory storage and distribution for the department. The increasing demand above capacity on the system has resulted in a slower than acceptable response time.

A proposal was submitted to The City of Wichita MIS Committee outlining four (4) options. The MIS Committee approved the option to replace the current server with an Alpha DS20 server. The Purchasing Manager solicited proposals for one (1) alpha server. Celeritas Technologies, LLC had the lowest and best cost for the alpha server.

Funds are available in the 1999 Revised Budget for the purchase of this equipment.

The Purchasing Ordinance No. 35-822, Section 2(g) provides for the purchase of High Technology Items. The Purchasing Manager is authorized to negotiate purchases of high technology items subject to ratification and approval by the Governing Body.

Motion --
-- carried

Knight moved that purchase of an Alpha Server from Celeritas Technologies, LLC for \$42,250 be approved. Motion carried 7 to 0.

SEWER BLDG. IMP.

SEWER MAINTENANCE BUILDING IMPROVEMENTS.

Agenda Report No. 99-1009.

The building at 715 West Harry Street on the northwest corner of the Central Maintenance Facility (CMF) property houses several City agencies that must protect equipment from freezing. The primary tenant is the Sewer Maintenance Division, which utilizes storage space and has offices in the building. The building structure is sound and will be a valuable asset for many years for any City agency that occupies it; however, its size is insufficient for the equipment and materials stored in it and it is not as attractive as the other buildings on the CMF campus.

Those who use the building need enclosed, heated space for mixing chemicals and storing delicate electronics, herbicide, chemical grout, dried bacteria cultures, trench shoring, PVC pipe, signs, manhole seal material, cement, hose, jackhammers, shovels, fittings, safety equipment, pumps, televising materials and vehicles carrying water. Enclosing the dock areas on the north, west and east sides of the building will add 11,000 square feet of indoor storage. Rest rooms need to be upgraded and made more accessible. Exterior renovation is needed so that the building can present a professional image to employees, visitors, and the public, and be consistent in appearance with the buildings adjacent to it.

The Water & Sewer Department 1998-2007 capital improvement program includes \$200,000 for Project S-73, Central Maintenance Facility Sewer Maintenance Building Improvements.

The City Council must approve all expenditures over \$10,000.

Motion --
-- carried

Knight moved that the project and notice of intent to publish be approved; and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-99-396

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend, and enlarge the water and sewer utility owned and operated by the City, and to issue revenue bonds in a total principal amount which shall not exceed \$200,000, exclusive of financing costs, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Martz moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotta, Rogers, Knight

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WATER BILLING

APPROVAL OF WATER/SEWER BILLING SYSTEM FUNDING.

Agenda Report No. 99-1010.

The current water and sewer billing software, the Customer Information System, has been in use since 1989 and is not Y2K compliant. In addition, the software language (DIBOL) is no longer supported by the hardware vendor. On June 23, 1998, the City Council approved a contract with SCT Utility Systems and authorized software and hardware purchases for a new Customer Information System. Installation of the new system is currently in progress.

The total cost for the new system, including hardware and software, is \$942,743. Part of the funding is through the adopted CIP, and part of the funding (\$295,000) is from reductions in the 1998 and 1999 operating budgets:

1998 reduction in Data Center charges	\$227,480
1999 reduction in Data Center charges	49,520
1998 cancellation of maintenance fee on old system	18,000
TOTAL	\$295,000

Funds in the operating budget identified for this purpose were not used in FY1998 or FY 1999, and remain in the Water Utility improvement account. This account holds all funds not allocated to the operating or capital budgets.

Staff proposes moving these funds to the capital budget, increasing the 1999 CIP by the \$295,000 which was not used in the 1998 and 1999 operating budgets. While this represents an increase in the 1999 CIP, it does not reflect an increase in Water Utility spending because operating expenditures decreased by this same amount.

Approval of the City Council is necessary to modify the CIP. A Bond Resolution, dated 3/17/98, and a Notice of Intent, published 3/20/98, established the legal basis for the Utility to reimburse \$500,000 of expenses for this project in the 1999 revenue bond sale. Resolution and notice of intent will allow the Utility to reimburse the expenses related to the remainder of the project, \$442,743.

Motion --
-- carried

Knight moved that the CIP increase by \$295,000 and notice of intent to publish be approved; and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-99-397

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend, and enlarge the water and sewer utility owned and operated by the City, and to issue revenue bonds in a total principal amount which shall not exceed \$443,000, exclusive of financing costs, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Martz moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight

PROPERTY ACQ.

ACQUISITION OF LAND ADJACENT SEWAGE TREATMENT PLANT #2.

Agenda Report No. 99-1011.

The adopted CIP includes \$193,000 to acquire a buffer zone around Sewage Treatment Plant #2 (S-511). On August 31, 1999, the City Council authorized the purchase of a site containing approximately 9.51 acres, 1200 feet to the northwest of the sewage treatment facility. The price for this site was \$111,000 including closing costs.

An additional site in the area would also be suitable for this purpose. That site will cost \$115,000 including the closing costs. The combined total cost for both sites will be \$226,000.

The Water & Sewer Department needs land for use as a buffer zone and for possible future expansion of the sewage treatment facility. The buffer zone will decrease available vacant land that might be developed for residential or commercial use within the immediate area of Sewage Treatment Plant #2. The additional site would provide more land for use as a buffer or for future expansion.

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The budget for S-511 (Sewage Treatment Plant 2, Land Buffer) in the adopted CIP is \$193,000. A total of \$226,000 will be required. S-500 (Biosolids Treatment and Management Plan) currently has about \$1.1 million available.

The Bond Resolution and Notice of Intent to Publish were completed for the \$111,000 budget approved on August 31, 1999. The Resolution and Notice of Intent will enable the remaining \$115,000 expenditure to be reimbursed by the sale of revenue bonds.

Motion --
-- carried

Knight moved that the Sewer CIP be modified by transferring \$33,000 from S-500 to S-511; the notice of intent to publish be approved; and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. R-99-398

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend, and enlarge the water and sewer utility owned and operated by the City, and to issue revenue bonds in a total principal amount which shall not exceed \$115,000, exclusive of financing costs, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the manner required by law, presented. Martz moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight

PROPERTY ACQ.

ACQUISITION BY EMINENT DOMAIN FOR THE EAST KELLOGG IMPROVEMENT PROJECT - 8030 EAST KELLOGG. (District II)

Agenda Report No. 99-1012.

In October 1998, staff was instructed to pursue opportunity purchases in the Kellogg corridor. This includes acquiring property that is targeted for redevelopment. One such property is located at 8030 East Kellogg. The site has 32,500 square feet and is currently developed with a vacant, 2,952 square foot office building. The owners of the property intend to demolish the improvements and build a new retail building. The new improvements will encroach on right-of-way needed for Kellogg expansion.

The property in its current state had been appraised at \$400,000. Current owners acquired the site for approximately \$380,000. They have developed plans for the new retail facility and negotiated a lease with a national retailer for the site. No agreement has been reached on the value of these redevelopment efforts. Negotiations with the affected owners will continue during the eminent domain process.

The cost of this acquisition is to be paid by the City at large.

The City is authorized by law to commence eminent domain proceedings to acquire this property.

Motion -- carried

Knight moved that the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An ordinance providing for the acquisition by eminent domain of certain private property, easements, and right-of-way therein, for the purpose of acquiring right-of-entry easement in the City of Wichita, Sedgwick County, Kansas; designating the lands required for such purposes and directing the City Attorney to file a petition in the District Court of Sedgwick County, Kansas, for acquisition of the lands, easements, and access control, therein taken and providing for payment of the cost thereof, introduced and under the rules laid over.

PROPERTY ACQ.

ACQUISITION OF 20 DRURY FOR THE EAST KELLOGG IMPROVEMENT PROJECT. (District II)

Agenda Report No. 99-1013.

In October of 1998, staff was instructed to pursue opportunity purchases in the Kellogg corridor. Opportunity purchases arise when an owner contacts the City and indicates a willingness to sell their property. The owner of 20 Drury, Beverly Holstead, has expressed an interest in selling this property to the City. The site contains 16,700 square feet and is improved with a 2,281 square foot ranch-style single family residence. The property has three bedrooms and two baths. The planned expansion of Kellogg will require the removal of the improvements and utilization of virtually the entire site.

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The property was appraised at \$120,000 and the owner has agreed to sell the property for this amount. The property appears to be in good condition with no deferred maintenance noted.

The Capital Improvement Program includes funds for opportunity acquisitions. The funding source will be General Obligation Bonds. A budget of \$125,000 is requested. This includes \$120,000 for the acquisition and \$5,000 for closing costs and title insurance.

Motion --
-- carried

Knight moved that the budget and Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

UNION PACIFIC RR

TRANSFER OF RAILROAD PROPERTY FROM UNION PACIFIC RAILROAD.

Agenda Report No. 99-1014.

The Union Pacific has submitted a donative quitclaim deed to all the real property owned by the Railroad from near Seneca and Douglas to 17th and Broadway. The Railroad has also submitted a donative bill of sale covering all the track and other improvements on that property.

Acceptance of the deed and bill of sale will enable removal of track and other railbed material along the corridor and at several street intersections

Motion --
-- carried

Knight moved that the donation and improvements be accepted, and the necessary documents and signatures be authorized. Motion carried 7 to 0.

BUDGET ADJUSTMENT SNOW AND ICE BUDGET ADJUSTMENT.

Agenda Report No. 99-1015.

The Snow and Ice Budget is appropriated for \$36,000 for wages and \$40,000 for de-icing materials annually. Several major winter snow or ice storms in the early part of 1999 depleted stockpiles of de-icing materials and overextended budgeted salary accounts in the Snow and Ice Budget. \$41,000 in wages and \$24,000 in materials were used from January 1st through 3rd; \$2,100 in wages and \$18,000 in materials were used from January 7th through 10th; and \$22,000 in wages and \$13,000 in materials were used from March 12th through 14th.

The Personal Services portion of the 1999 Snow and Ice account is currently over budget by \$50,000, and a transfer is needed to balance the account and provide \$30,000 for expected end-of-year wage expenses. It is requested that the City Council approve the transfer of \$80,000 from the Street Maintenance account to the Snow and Ice account to accommodate these expected wage expenditures.

In addition, it is anticipated that purchases of de-icing materials through the end of the year will approach \$30,000. Currently the Snow and Ice commodities account has a balance of \$14,000, which is the approximate cost of filling the material storage facilities one time. In preparation for future storms, a transfer of funds is requested to afford filling these facilities twice. It is requested that the City Council approve the transfer of \$15,000 from the Street Maintenance commodities account to the Snow and Ice account to accommodate these expected expenditures.

Projected under-expenditures in Street Maintenance are available to address the snow and ice shortfall. Personal Services funds are available due to turnover resulting in vacant positions, and under-expenditures in commodities are the result of crews being diverted from routine maintenance activities for five weeks to clean up debris after the May 3rd tornado.

Motion -- carried

Knight moved that the Budget be approved. Motion carried 7 to 0.

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BUDGET ADJUSTMENT WICHITA HOUSING AUTHORITY/SECTION 8 BUDGET CHANGES.

Agenda Report No. 99-1016.

In October, 1998, President Clinton signed into law the Quality Housing and Work Responsibility Act of 1998. This act included a provision for the Housing and Urban Development Department (HUD) to gradually convert Section 8 Housing Certificates to Section 8 Housing Vouchers.

There are several technical differences between certificates and vouchers, however, the overall result of the conversion is that the total assistance to the tenant will be diminished in the conversion while the flexibility of the vouchers will allow greater housing choice to their holders. HUD has approved the following changes to the 1999 certificate (Section 8 Existing) and voucher (Section 8 Voucher) budgets for housing assistance payments to accommodate the conversions that will occur this year.

The Section 8 Voucher budget previously approved at \$2,937,340 will be increased to \$3,624,891, a net increase of \$687,551. This is the amount of housing assistance payments that will be paid to landlords on behalf of Section 8 tenants. The Section 8 Existing budget will decrease from \$3,515,495 to \$3,188,926, a net decrease of \$326,569.

The changes to the budgets will only impact housing assistance payments, and the remainder of the WHA budget previously approved by the City Council will remain in effect. There is no impact on the City's non-federal budget.

This conversion is required by the Quality Housing and Work Responsibility Act of 1998, and the changes outlined above have been calculated and approved by HUD. Council approval is required for all grant budget changes of \$10,000 or more.

Motion -- carried

Knight moved that the Budget be approved. Motion carried 7 to 0.

BUDGET ADJUSTMENT BUDGET ADJUSTMENT - WATER DISTRIBUTION.

Agenda Report No. 99-1017.

When the operating budget for the water utility was compiled this year, allowance for sales tax was inadvertently omitted. In addition, the bids on several capital items were higher than anticipated which has caused budget problems primarily in capital outlay.

Most divisions were able to absorb the sales tax; however, Water Distribution had an unusually large capital outlay budget this year. Without a budget adjustment, Water Distribution will not be able to purchase scheduled replacements for two air compressors that are vital to their work.

The Water Distribution division currently has a balance in capital outlay of \$8,900. They need to buy two air compressors for a total cost of \$32,900. They need an additional \$24,000 in order to purchase the air compressors.

Due to the predominance of wet weather this year, Production & Pumping will have budget remaining for electricity.

City Council approval is required for a budget adjustment in excess of \$10,000.

Motion --

-- carried

Knight moved that the transfer of \$24,000 from the production and pumping budget (183632-2100) to the water distribution budget (183327-4611) be authorized. Motion carried 7 to 0.

SANITARY SEWER

EDUCATION PROGRAM TO REDUCE GREASE IN SANITARY SEWER SYSTEM.

Agenda Report No. 99-1018.

Grease accumulates in sewers and contributes to sewer backups. Chapter 16.04.250 of the Code of the City of Wichita prohibits the discharge of excessive grease to the sanitary sewer system. The City developed and implemented a program to reduce grease discharges from commercial sources in January of 1995. Since the

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implementation of that program, the number of backups City-wide has declined 36%. The City does not have a program to reduce grease discharged by residential customers.

Backups increase sewer maintenance costs, may cause environmental damage, are a risk to public health, and may damage property. The cost of clearing a stoppage averages \$500. Each backup inconveniences a customer and erodes their confidence in the City's ability to provide reliable service. It is prudent to consider alternatives for reducing stoppages caused by grease from residential sources.

Alternatives:

1. Requiring grease interceptors. Commercial and industrial customers who discharge significant quantities of grease are required to install grease interceptors. For interceptors to be cost-effective, drains carrying grease must be separated from drains carrying other wastewater. The cost of separating kitchen drains from other drains in single-family houses and apartments would be prohibitive.
2. Prohibiting garbage disposals. Most residential customers who discharge grease to the sewer system do so in conjunction with a food disposal. The absence of a garbage disposal would force customers to put waste food, and the grease with it, in the trash. Prohibiting installation of disposals in new construction would have no impact on the thousands of existing disposals, and removing these disposals or attempting to prohibit their use would not be feasible.
3. Public education. It is reasonable to expect that customers will respond positively if advised and encouraged by the City to put grease in the trash. Public information could be distributed to single-family residences and apartments through water bills, the City's cable channel, and radio and television announcements. The total cost to the City of Wichita is estimated at \$20,000. There would be no cost to individual customers.

Staff recommends Alternative 3, a public education program.

Staffs in the Water & Sewer Department and in the City Manager's Office recommend that the Environmental Education Fund and the Sewer Utility Fund share the cost of a public education program. The cost to the Environmental Education Fund is estimated at \$10,000, including \$3,000 for producing a 15-minute video and \$7,000 to produce and broadcast commercials. The cost to the Sewer Utility Fund is estimated at \$10,000, for brochures, refrigerator magnets, and other materials supplied to apartment managers and made available to other residential customers.

City Council approval is required for all expenditures over \$10,000.

Motion --

-- carried

Knight moved that the public education program and shared funding from the Environmental Education Fund and the Sewer Utility Fund be approved; and the Water and Sewer Department and City Manager's Office be authorized to develop and implement the program. Motion carried 7 to 0.

WATER MAIN CASING INSTALLATION OF CASING PIPE ON EXISTING 16-INCH WATER MAIN IN GREENWICH AT K-96.

Agenda Report No. 99-1019.

The City of Wichita installed a 16-inch water main along Greenwich from 21st Street to north of K-96 to provide treated drinking water, fire protection, and to allow for future growth in the area. The water main also provides water to the Northeast Soccer Complex located west of Greenwich and north of K-96. The main was installed prior to the construction of the proposed K-96/Greenwich interchange and utilized the construction interchange plans in order to locate water line casing pipe under the on and off ramps to allow for future maintenance.

The water main project was designed and constructed based on the paving plans prepared for the K-96/Greenwich interchange. The plans for the interchange were revised resulting in a change of location for the ramps at Greenwich. Due to the altered plans, the casing pipe must be extended to clear the new ramp configuration and must be in place prior to the paving of the ramps.

Installation of the casing pipe will require a budget of \$31,800 for construction. This expenditure was approved by the City Manager as a public exigency on August 17, 1999. The project will be paid from Unidentified Mains, CIP W-65.

Motion -- carried

Knight moved that the project expenditure be approved. Motion carried 7 to 0.

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WATER MAIN

EMERGENCY CLEANUP - 13TH AND PERRY WATER MAIN.

Agenda Report No. 99-1020.

On July 15, 1999, a leak occurred in the 48-inch water main near 13th and Perry. As a result, several businesses in the strip shopping mall were flooded. After consulting with the Purchasing Department, Staff contacted NCRI, a cleaning company, to help with the cleanup efforts. As a result of the cleanup effort, long-term damage to the businesses was minimized and negative publicity was largely avoided.

When the 48-inch main broke, immediate action needed to be taken to minimize damage to the affected businesses. The procedure for handling such situations is covered by the City's Public Exigency Ordinance.

The cost for the cleanup was \$15,328. This will be paid from the Water Administration budget.

Under the Public Exigency Ordinance, in an emergency situation the City Manager may approve expenditures in excess of \$10,000. The expenditure is then affirmed by the City Council.

Motion --
-- carried

Knight moved that the expenditure for the emergency cleanup at 13th and Perry be approved. Motion carried 7 to 0..

SEWAGE PUMPS

REHABILITATION OF WILLET PUMPS AT SEWAGE TREATMENT PLANT.

Agenda Report No. 99-1021.

In 1995, a capital project (S-504) Replacement of Pumps, Motors, and Electrical Equipment, was established to pay for improvements to pumps, motors, and electrical equipment at the Sewage Treatment Plants. The project was given an annual budget of \$50,000.

If these pumps are not rehabilitated, the treatment process will be negatively impacted.

The CIP has a budget of \$50,000 for 1999 in S-504. This expense will be part of the cash-funded capital, paid for with sewer revenues.

Motion -- carried

Knight moved that the rehabilitation be authorized. Motion carried 7 to 0.

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ SEPTEMBER 28, 1999)

- a. Employee position classifications.

ORDINANCE NO. 44-335

An Ordinance authorizing establishing position classifications for employees of the City of Wichita and prescribing pay rates by reference to position classifications in the schedule of pay ranges, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

- b. Employee uniform schedule of standard pay ranges.

ORDINANCE NO. 44-336

An Ordinance providing for a uniform schedule of standard pay ranges for all employees of the City of Wichita, repealing Ordinance No. 44-120, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

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FIRST READING ORDINANCE.

- a. Sidewalk repair.

ORDINANCE

An Ordinance making a special assessment to pay for the improvement of and providing a tax levy for the cost of construction of sidewalks in the City of Wichita, Kansas, introduced and under the rules laid over.

PLANNING AGENDA

Marvin Krout Director of Planning stated that Items 41-44, 47, and 50 could be considered as consensus Items unless the Council desired to withhold other items.

Motion -- Knight moved that Planning Agenda Items 41-44, 47, and 50 be approved as consensus Items.
-- carried Motion carried 7 to 0.

D 1768

D 1768-DEDICATION OF ACCESS CONTROL LOCATED ON THE EAST SIDE OF WEBB ROAD, SOUTH OF 29TH STREET NORTH. (District II)

Agenda Report No. 99-1022.

MAPC Recommendation: Accept the dedication.

As a requirement of Lot Split (L/S 1010) this dedication is being made for the purpose of access control along Webb Road.

The dedication has been reviewed and approved by the Planning Commission.

The dedication will be recorded with the Register of Deeds.

Motion -- carried Knight moved that the Dedication be received and filed. Motion carried 7 to 0.

D 1770

D 1770 - DEDICATION OF UTILITY EASEMENT LOCATED ON THE NORTH SIDE OF MAPLE STREET, WEST OF MAIZE ROAD. (District V)

Agenda Report No. 99-1023.

MAPC Recommendation: Accept the dedication.

In order to extend sanitary sewer to a building site create by a lot split (L/S 1015), City Engineering required the establishment of this utility easement. The dedication has been reviewed and approved by the Planning Commission.

The dedication will be recorded with the Register of Deeds.

Motion -- carried Knight moved that the Dedication be received and filed. Motion carried 7 to 0.

S/D 97-82

S/D 97-82 PLAT OF WESTGATE VILLAGE 2ND ADDITION LOCATED ON THE NORTHWEST CORNER OF 13TH STREET NORTH AND MAIZE ROAD. (District V)

Agenda Report No. 99-1024.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (11-0)

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This plat is zoned LC, Limited Commercial.

A petition, 100%, has been submitted for traffic improvements. A Certificate of Petition has also been submitted. As required by the drainage plan for this site, a cross-lot drainage agreement has been submitted by the Applicant. To provide for shared access between the lots, a joint access agreement has been recorded. A cash guarantee has been provided to assure the closure of driveways currently located in an area platted with complete access control.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions and drainage agreement will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the documents and plat be approved; the Resolution be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

RESOLUTION NO. R-99-400

Resolution of findings of advisability and Resolution authorizing improving of an accel/decel lane on the west side of Maize Road from the north line of Lot 48, Block 2, Westlink Village Fourteenth addition, to a point of 13th Street North to serve Lots 1 and 2, Westgate Village Second Addition, Project No. 472-83145 (north of 13th, west of Maize) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotte, Rogers, Knight.

I/S 1019

STREET IMPROVEMENT AGREEMENT FOR L/S 1019 LOCATED SOUTH OF 10TH STREET, EAST OF SHERIDAN. (District VI)

Agenda Report No. 99-1025.

Staff Recommendation: Approve the Agreement.

This No Protest Agreement for the paving of 10th Street was required for the approval of a Lot Split (L/S 1019) for the west half of Lot 61, Valley Acres Addition, zoned SF-6, Single-Family Residential District. This Agreement assures the City of Wichita that this property will be included in the improvement district for paving of 10th Street and that the owners have waived their right to protest said paving.

Motion -- carried

Knight moved that the Agreement be approved and the necessary signatures be authorized. Motion carried 7 to 0.

(Mayor Knight left the Bench; Vice Mayor Rogers in the Chair.)

(Item No. 45)

Z 3333

Z 3333 - ZONE CHANGE FROM "SF-6" SINGLE-FAMILY AND "LC" LIMITED COMMERCIAL TO "GC" GENERAL COMMERCIAL; AND DP 246 - THE CREATION OF THE OAKWOOD HOMES COMMUNITY UNIT PLAN, LOCATED SOUTH OF MACARTHUR AND EAST OF BROADWAY. (District IV)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 99-1026.

MAPC Recommendation: Approve, subject to Platting within one year and conditions.

CPO Recommendation: Approve, subject to MAPD Staff comments.

Staff Recommendation: Approve, subject to conditions.

The applicant is requesting to rezone a 12.09 acre unplatted tract from "SF-6" and "LC" to "GC" General Commercial and create a C.U.P. on the 12.09 acre tract plus an additional 5.2 acre unplatted tract currently zoned "GC." This property is located south of MacArthur between Broadway and I-235. Parcel 1 is currently vacant, except for a single-family home, which will be removed, while Parcel 2 is developed with an existing vehicle sales lot and mobile home park. The mobile home park is a nonconforming use and will be permitted to remain.

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The applicant is proposing to split the 17.29 acres into two separate parcels with the north 13.41 acres (Parcel 1) being developed as a manufactured home sales lot (Oakwood Homes). This parcel is requested to have one opening to Broadway, which would line up with the driveway across the street. Manufactured homes sales would be the only permitted use on this parcel, as proposed by the applicant. The floor area ratio and maximum building coverage would be limited to 30 percent.

Parcel 2 (3.88 acres) would be limited to "LC" uses as requested by the applicant and also be limited to 30 percent floor area ratio and maximum building coverage. One access opening would be permitted to Broadway from this Parcel.

The remaining general provisions of the C.U.P. are typically found in most recent C.U.P.s except that the applicant is requesting that the required six to eight foot masonry wall be waived until such time as the property to the north and south be developed with residential property and that no wall is required where adjacent to commercial zoning. Planning staff is in agreement with waiving the wall around the perimeter of the property but due to I-135 being elevated along this property, staff is requesting that a solid row of evergreen trees be planted along the east property line adjacent to I-135.

There is vacant land and heavy commercial uses with outside display and storage located to the north, south and west on property zoned "SF-6," "GC," and "LI." East of the application area is I-135.

At the CPO 4 hearing, the applicant presented this request, and the CPO approved the request unanimously.

At the September 16th MAPC hearing, the applicant presented this request. No one spoke in opposition to the request. After limited debate, the MAPC voted unanimously to approve the request subject to revised conditions. The key revision was to eliminate the request for contingent dedication of street right of way, for the potential extension of Emporia. However, the MAPC did recommend a prohibition on the construction of any buildings in the potential street right of way of for the next 20 years.

The publication of the Ordinance establishing the zone change shall be withheld until such time as the plat is recorded with the Register of Deeds.

Council Member Cole	Council Member Cole said she could not understand the objection to a contingent dedication of street right-of-way and spoke against a reservation.
Council Member Gale	Council Member Gale said a contingent dedication would not allow building on the property for 20 years.
Motion --	Gale moved that the Council concur with the findings of the MAPC and approve the zone change subject to the recommended conditions; and the Ordinance be forwarded for first reading when the Plat is forwarded to the City Council.
Council Member Lambke	Council Member Lambke spoke in agreement with Council Member Cole and said he would oppose the motion.
Amendment --	Gale, with consent of the second, amended the motion to accept a contingency dedication for twenty years.
Council Member Cole	Council Member Cole stated that at the end of 20 years anything could happen and she could not understand, at all, why this should be a "special case." The City should not introduce a new procedure that might require condemnation of property in the future. Council Member Martz momentarily absent.
Marvin Krout	Director of Planning explained that Staff recommendation was to require a contingent dedication of right-of-way which would be permanent until the City might be asked to vacate.
Council Member Rogers	Council Member Rogers said he was not in favor of anything requiring future condemnation of property. There are no extenuating circumstances that would cause the City to go to a "reservation."
Council Member Cole	Council Member Cole suggested the City accept the recommendation of the MAPC except for the requirement of a contingent dedication instead of a reservation; and that, in the future, the City policy in this matter be looked into in-depth.
-- withdrawn	Gale, with consent of the second, withdrew the motion and amendment.

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Motion --

Gale moved that the City Council concur with the findings of the MAPC and approve the zone change subject to the recommended conditions; including the requirement for a contingent street dedication, with the Council reserving the option to change that requirement to a reservation when the plat is considered for approval; and the Ordinance be forwarded for first reading when the Plat is forwarded to the City Council. Motion carried 6 to 0. (Knight absent)

-- carried

(Item No. 46)

Z-3334 & DP-132

Z-3334 - ZONE CHANGE FROM "B" MULTI-FAMILY TO "GC" GENERAL COMMERCIAL; AND DP 132 - NUMBER ONE AMENDMENT TO THE VIA CHRISTI - ST. FRANCIS REGIONAL MEDICAL CENTER COMMERCIAL C.U.P. LOCATED ON THE NORTHEAST CORNER OF MURDOCK AND TOPEKA. (District VI)

Marvin Krout

Director of Planning requested a one-week deferral.

Motion -- carried

Cole moved that this Item be deferred one week. Motion carried 6 to 0. (Knight absent)

(Mayor Knight present)

Z-3335 & CU-540

Z-3335 - ZONE CHANGE FROM "SF-6" SINGLE-FAMILY RESIDENTIAL; TO "GO" GENERAL OFFICE, AND CU 540 - REQUEST FOR A "CONDITIONAL USE" FOR PERSONAL CARE SERVICE, LOCATED ON THE NORTHEAST CORNER OF HARRY AND CHRISTINE. (District III)

Agenda Report No. 99-1028.

MAPC Recommendation: Approve, subject to conditions.

CPO Recommendation: Approve, subject to MAPD Staff comments.

Staff Recommendation: Approve, subject to conditions.

The applicant is requesting a change in zoning classification to "GO" General Office and a Conditional Use for personal care service for a barber and alteration shop. The application area is located on a lot of approximately 0.16-acre site at the northeast corner of Harry and Christine, and located one block east of Edgemoor.

The application area is currently zoned "SF-6" Single Family and is occupied by a single-family residence. It is adjacent to single family houses to the east, to the north and across the street to the south, all of which are zoned "SF-6" Single Family. Across the street to the west is a QT convenience store on property zoned "LC" Limited Commercial. The QT occupies the block between Christine and Edgemoor. The other three properties at the intersection of Harry and Edgemoor are zoned "LC". Other uses at the intersection include a grocery store, a Dairy Queen and small strip center, and a Walgreen's and another small retail center with a liquor store and other office/neighborhood retail uses. It is in the vicinity of three schools, Caldwell Elementary, Curtis Middle School, and Southeast High School, all located west of Edgemoor between Harry and Lincoln.

The applicants have indicated that they intend to operate a barber shop and an alteration shop within the existing single-family home. The business would have an impact similar to a home occupation except that the applicants do not intend to live on the premises. The garage on the western end of the house would be removed and be the location of off-street parking for customers. The site plan incorporates a landscape street yard, parking lot screening, and buffering in conformance with the Landscape Ordinance. A proposed six-foot screening fence is shown on the northern and eastern property line in conformance with screening requirements of the Unified Zoning Code. The property also complies with the 25-foot compatibility setback on the northern line, and provides a 12-foot setback on the eastern property line. The property would be excepted from providing the full compatibility setback required by the UZC since it is an existing structure. Based on the square footage of the existing structure being 988 square feet, four off-street parking spaces would be required, as is shown on the proposed site plan.

The applicant has volunteered to abide by a set of conditions that would result in the use functioning similar to a home occupation. The conditions proposed by the applicant are the following:

1. The use of the property shall be restricted to "personal care service" and all other uses permitted by the "SF-6" Single-Family Residential district.
2. The use of the property shall be consistent with the site plan approved as part of the Conditional Use.
3. No alteration of the principal building or premises shall be made which changes the residential character or appearance thereof.

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4. No equipment shall be used that creates noise, vibration, electrical interference, smoke or particulate matter emission, or odors that are in excess of ordinary and usual conditions prevailing in the immediate neighborhood as determined by the Zoning Administrator.
5. There shall be no outdoor storage of equipment, materials or vehicles used in the "personal care service."
6. No more than two persons shall be employed in the "personal care service" conducted on the subject property.
7. No inventory shall be displayed or sold on the premises.
8. The "personal care service" use shall be conducted entirely within the principal dwelling.
9. Signage shall be limited to one thirty-two square foot ground or monument-style sign not to exceed 8 feet in height.

Motion --
-- carried

Knight moved that the Council concur with the findings of the MAPC and approve the Conditional Use and the zone change subject to conditions; and the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by Section 28.04.210, the Code of the City of Wichita, Kansas, introduced and under the rules laid over. Z- 3335

(Item No. 48)
DR 6

(Mayor Knight absent)

DR 6 - AMENDMENT OF GUIDELINES FOR REVOLVING LOAN PROGRAM FOR HISTORIC PROPERTIES INCLUDING ESTABLISHING A DEFERRED HISTORIC LOAN PROGRAM.

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 99-1029.

HPB Recommendation:	Approve amended guidelines for Historic Revolving Loan Program.
Staff Recommendation:	Approve amended guidelines for Historic Revolving Loan Program.

In April 1997, the City Council reviewed new guidelines for the Revolving Loan Program (RLP), and requested that the Historic Preservation Board review the program and make recommendations to the Council. The HPB worked on the project for several months and determined that a deferred historic loan component needed to be added to the RLP. The groups involved were unable to come to a consensus regarding the criteria and other considerations for establishing the Deferred Historic Loan program. During this process, the preservation planner left the city for another position and the project lay dormant for several months, until a planner was hired to fill the vacancy.

The HPB recommends that the guidelines be expanded to include properties within the 1919 City Limits that are potentially eligible for listing in the Wichita, Kansas or National Registers of Historic Places or are listed in the Undesignated Historic Resource List which was adopted by City Council in September 1998. Also included in the expanded guidelines is a provision to establish a Deferred Historic Loan that would have similar guidelines and requirements as the LIA deferred loan program, but be available for eligible properties within the 1919 City Limits.

The Revolving Loan Program for Historic Properties was established in 1977, and since that time, 29 loans have been processed in the amount of \$927,043. Because the program has been in existence for so long, the number of properties owners that need the financial assistance provided has diminished. Also, there are property owners needing assistance that cannot qualify for a loan and there is no financial mechanism that can address these problems.

By amending the guidelines, the geographic area serviced would be expanded to include approximately 5,000 structures. The 1919 City Limits area also coincides with a portion of the CDBG Neighborhood Revitalization Area. Expanding the area served will allow the funds to be marketed to more property owners and process more loans. Attached is a copy of the amended guidelines and a map indicating the 1919 City Limits.

There will be two separate funds. The Deferred Historic Loan will be funded at \$120,000 and the Revolving Fund will have a balance of approximately \$266,000. This fund fluctuates as loans are made and paid back. The HPB anticipates that through aggressive marketing of the RLP, that within 18-24 months 80 percent of the funds available will be encumbered in active loans.

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The Historic Preservation Board will prepare a calendar year annual report of the fund and submit it to City Council through the City Manager's office.

The amended Revolving Loan Program for Historic Properties and the Deferred Historic Loan Program Guidelines would comply with current HUD program fund regulations.

Motion --

-- carried

Cole moved that the Council concur with the recommendation of the Historic Preservation Board and approve the Amended Revolving Loan Program for Historic Properties and the Deferred Historic Loan Program. Motion carried 6 to 0. (Knight absent)

(Item No. 49)

A 99-19

A 99-19 - ADOPTION OF A RESOLUTION ESTABLISHING A FUTURE PUBLIC HEARING ON THE ANNEXATION OF ELIGIBLE PROPERTIES GENERALLY LOCATED NORTH AND SOUTH OF KELLOGG AND EAST AND WEST OF 143RD STREET EAST TO THE CITY OF WICHITA, KANSAS.
(District II)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 99-1030.

A resolution establishing a future public hearing date of December 14, 1999, for consideration of a unilateral annexation was approved. The properties proposed for annexation are located north and south of Kellogg and east and west of 143rd Street East.

The subject area consists of approximately 1,182 acres and 1,862 properties (1,854 are platted and 7 are unplatted). The land-use pattern consists of 1,004 residential tracts, four (4) commercial tracts, 222 farm-related tracts, 631 vacant tracts or reserves, and four (4) exempt tracts. The majority of the area is zoned "SF-6" Single Family Residential and "SF-20" Single-Family Residential, with a several small areas zoned "LC" Limited Commercial and "GO" General Office. Those areas zoned "SF-20" will convert to the "SF-6" Single-Family Residential district upon annexation while other properties will retain their existing zoning. The majority of the land proposed for annexation is located within the area identified as "low-density residential," with the Kellogg frontage identified as "commercial" in the Land Use Guide Map in the Wichita-Sedgwick County Comprehensive Plan: Preparing for Change. The proposed area for annexation is also within the "new growth" boundary found in the comprehensive plan.

The proposed annexation will allow for the continuation of the City's growth in the east part of Wichita. Many properties in the annexation area are already served with City of Wichita water, with 12-inch to 16-inch mains located in portions of Harry, Kellogg, Central and 143rd Street East. The City's 2000-2009 Capital Improvement Program (C.I.P.) includes projects to install additional mains in portions of 143rd Street East and 159th Street East. The undeveloped property at the southwest corner of 143rd Street East and Harry, as well as several residential tracts near 143rd Street East and Central Avenue, are not currently served by City water. As for sewer, the Sedgwick County Four-Mile Creek Sewer District currently serves the majority of the properties in this proposed annexation.

To proceed with this annexation, the Council must adopt a resolution establishing a hearing date. Once the hearing date is established, a plan for extension of municipal services to the area will be placed on file in the City Clerk's Office. The Service Extension Plan outlines the City's intention to provide major municipal services to the area

The total appraised value of the land and improvements proposed for annexation is \$177,255,894 resulting in an annual City Ad Valorem tax revenue of approximately \$634,487. Major municipal services to be provided to this area upon annexation are street maintenance, ditch cleaning, culvert cleaning, fire protection, police protection, building code enforcement, and health code enforcement. The operating departments currently delivering these services will fund them upon annexation. Major municipal services, such as local street improvements, water and sewer service, may be provided to this area upon request of the property owners. The cost of municipal services requested by the property owners will be distributed among the City at large and the benefiting property owners according to current City policies.

In the absence of an annexation request from a property owner, State law requires the adoption of a resolution by the City Council indicating the City's intent to annex, a description of the property to be annexed, and a notice of the time and place for a public hearing to consider the matter. Copies of the resolution must be sent (via certified

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mail) to all owners of the properties proposed for annexation within 10 days of adoption. Also, the resolution must be published once in the official City newspaper not less than one week and not more than two weeks prior to the public hearing date. A report stating the plans for the extension of municipal services to the proposed annexation area must also be placed on file for public inspection in the City Clerk's Office.

Motion --
-- carried

Pisciotta moved that the service plan be approved and the Resolution setting the hearing date be adopted. Motion be adopted. Motion carried 6 to 0. (Knight absent)

RESOLUTION NO. R-99-399

A Resolution establishing a future public hearing on the annexation of eligible properties described as located north and south of Kellogg and east and west of 143rd Street East to the City of Wichita, Kansas, presented. Pisciotta moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Cole, Gale, Lambke, Martz, Pisciotta, Rogers. A-99-19

(Mayor Knight present)

A 99-32

A 99-32 - REQUEST THE ANNEXATION OF PROPERTY GENERALLY LOCATED ON THE SOUTHEAST CORNER OF 119TH STREET WEST AND 29TH STREET NORTH TO THE CITY OF WICHITA, KANSAS. (District V)

Agenda Report No. 99-1031.

This property is generally located on the south side of 29th Street North, east of 119th Street West. The property owners are planning to develop the property with 150 single-family homes on the south 55.3 acres, with various commercial establishments on the north 12.05 acres of the site. According to the information submitted with the request for annexation, the staging of development will occur over a three-year period, beginning in the year 1999.

Land Use and Zoning: This property consists of two large contiguous tracts of vacant land that comprise approximately 80 acres. The zoning of the northwest 12.05 acres of the site was recently changed from "SF-20 Single Family Residential" to "LC" Limited Commercial and "NR" Neighborhood Retail. The remaining 67.95 acres of the site are currently zoned "SF-20 Single Family Residential" and will convert to "SF-6 Single Family Residential" upon annexation. Land to the north and west of the site is zoned "SF-20 Single Family Residential", while land to the south and east of the site is zoned "SF-6 Single Family Residential".

Public Services: The City Water and Sewer Department indicates that along Maize Road, there is a 16 inch water main that extends a ½ mile north of 21st Street North and a 12 inch water main along 21st Street North. Although the City has no plans to extend water service to the site in the near future, City water can be provided upon petition by the property owners. The City of Wichita 2000-2009 C.I.P. indicates a project to install a 24 inch water main in 29th Street North from Maize Road to 135th Street West, with construction scheduled for the year 2004. The water main is required by the Water Master

Plan and is a part of the northwest loop. As for sewer, the property proposed for annexation will have access to a 10 inch sanitary sewer main, which is located directly east of the property. This property is outside of the boundaries of a "service area" developed by the City Water and Sewer Department, within which was adequate capacity in the Cowskin Sewer System for further development. However, it is contemplated that, with the City Council's action to proceed with construction of a new northwest sewer treatment plant, this tract can be provided with sewer service in the future.

Street System: The area proposed for annexation currently has access to 119th Street West, a two-lane, recently improved section line road built to the county standard (asphalt with open ditches), which serves the area as the nearest major north-south road. The site also has access to 29th Street North, a two-lane unimproved section line, which serves the area as the nearest major east-west road. There are no plans to improve 29th Street North or 119th Street West in the City of Wichita 2000-2009 C.I.P. However, as part of the requirements for the final plat S/D 99-48 (approved 7/22/99), the Applicant guaranteed the construction of two lanes of roadway along 29th Street North, with a left turn lane at the intersection of 29th Street North and 119th Street West. A guarantee was also provided for an accel/decel lane along the entire 29th Street North and 119th Street West frontage.

Public Safety: The Wichita Fire Department can serve this site within a seven (7) to eight (8) minute approximate response time from City Station #16 located at 1632 N. Tyler. Upon annexation, police protection will be provided to the area by the Patrol West Bureau of the Wichita Police Department, headquartered at 661 North Elder.

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Parks: Sunset Park, a 19.37 acre neighborhood park, is located approximately two miles to the southeast of the property proposed for annexation. The park may be accessed through entrances located off Keith Street. The Wichita-Sedgwick County Parks and Open Space Master Plan: Parks and Pathways indicates a potential park in the vicinity of 135th Street West and 21st Street North.

School District: The property is located in Unified School District 266 (Maize School District). Annexation will not change the school district.

Urban Growth Area & Policy 32: Although the property is located outside of the Policy 32 urban service area, it is within the urban growth area of the City of Wichita as shown in the 1996 amended Wichita-Sedgwick County Comprehensive Plan.

The property proposed for annexation is currently vacant with no improvements. The total appraised value of the property is \$11,570; the assessed value (11.5%) of the property totals \$3,471. Therefore, at the current City levy (\$31.253/\$1000 x assessed valuation), this roughly yields \$108 in City annual tax revenues for the unimproved property. The future assessed value of this property will depend on the timing, type of development and the current mill levy. According to the evaluation sheet submitted by the property owner, the residential portion of the property, upon 100% completion, will yield an appraised value of \$18,000,000; the assessed value of the property will total \$2,070,000. Assuming the current City levy remains about the same (\$31.253/\$1000 x assessed valuation), this portion of the site would roughly yield \$64,694 in City annual tax revenues. Information regarding the commercial development of the site was not submitted.

The property is eligible for annexation under K.S.A. 12-520.

Motion --
--carried

Knight moved that the annexation request be approved and the annexation Ordinance be placed on first reading.
Motion carried 7 to 0.

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. A99-32

EXECUTIVE SESSION

Motion --

-- carried

Rogers moved that the Council recess to executive session to consider consultation with legal counsel on matters privileged in the attorney-client relationship relating to pending and potential litigation, legal advice, personnel matters of non-elected personnel, preliminary discussions relating to the acquisition of real property for public purposes; and the regular meeting be resumed at 12:30 p.m. in the City Council Chambers. Motion carried 6 to 0. (Knight absent)

RECESS

The City Council recessed at 11:15 a.m. and reconvened at 12:45 p.m.

Vice Mayor Rogers

Vice Mayor Rogers announced that no action was necessary as a result of the executive session.

(The Council returned to take up Item No. 11; action is shown in Agenda order.)

RECESS

The City Council recessed at 12:50 p.m. and reconvened at 7:02 p.m.

Wichita, Kansas, October 12, 1999
Tuesday, 7:00 p.m.

The City Council met in recessed session at the HeartSprings Conference Center, 8700 East 29th Street North, at 7:02 p.m. Mayor Knight in the chair. Council members Gale, Lambke, Martz, Pisciotte, Rogers; present.
*Council Member Cole absent.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; and Pat Burnett, City Clerk; present.

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A 99-24

A 99-24 - THE CITY OF WICHITA SEEKS THE ANNEXATION OF PROPERTY LOCATED SOUTH AND WEST OF 45TH STREET NORTH AND WEBB ROAD. (District II)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 99-987.

On August 3, 1999, the City Council adopted a resolution that established October 12, 1999, at 7:00 p.m. at the HeartSprings Conference Center, 8700 East 29th Street North, Wichita, Kansas as the time and place for a public hearing for this annexation. The areas that are proposed for annexation are located west of Webb Road and south of 45th Street North.

The area proposed for annexation is the first phase of a three-phase annexation. The subject area of this first phase consists of approximately 120 acres and 71 properties (67 are platted and 4 are unplatted). The land-use pattern consists of 51 residential tracts, 19 vacant tracts and one (1) church tract. The majority of the area is zoned "SF-20" Single-Family Residential with a small area zoned "LI" Limited Industrial. Those areas zoned "SF-20" will convert to the "SF-6" Single-Family Residential district upon annexation while the property zoned "LI" Limited Industrial will retain its existing "LI" Limited Industrial zoning.

An informational meeting regarding the proposed annexation was held on September 7, 1999 at HeartSprings Conference Center, 8700 E. 29th Street North. Approximately 40 property owners attended the meeting and asked several questions regarding annexation.

In accordance with Kansas statutes, a Service Extension Plan was prepared for this unilateral annexation. The plan describes the means by which City services will be extended to the area. Map No. 2 in the plan shows the properties proposed for annexation. The analysis of the proposed annexation is contained in the plan.

The total appraised value of the land and improvements of this annexation is \$2,370,400, with a resulting initial annual City Ad Valorem tax revenue of approximately \$8,536.

Major municipal services to be provided to this area upon annexation are street maintenance, ditch cleaning, culvert cleaning, fire protection, police protection, building code enforcement, and health code enforcement. The departments that deliver these services will continue to fund them upon annexation. Major municipal services, such as local street improvements, water and sewer service, may be provided to this area upon request of the property owners. The cost of municipal services requested by the property owners will be distributed among the City at large and the benefiting property owners according to current City policies.

The Service Extension Plan has been on file for public inspection in the Office of the City Clerk. Copies of the resolution establishing the public hearing, a map (showing the properties included) and a notice of the public hearing, were sent by certified mail to all property owners of record in the proposed annexation area and to other established governmental entities and utility services. Copies of the resolution and map have also been published in the official City newspaper as further notification of the scheduled public hearing.

The Metropolitan Area Planning Commission reviewed the proposed annexation for compatibility with the Comprehensive Plan on August 26, 1999. The MAPC agreed with the MAPD staff report and found the proposed annexation in conformance with the Comprehensive Plan by a unanimous vote (12-0).

In conducting the public hearing, Kansas statutes require that the City's plan for extending major municipal services be presented and that all persons interested in the annexation be heard. After hearing all comments of the persons interested, the City Council has the option of continuing or closing the public hearing, and approving or rejecting the annexation proposal.

Mayor Knight

Mayor Knight inquired whether anyone wished to be heard.

Pat Dunfee

Pat Dunfee, 4958 North Hillcrest, spoke on behalf of BelAire and said this area is in BelAire's sphere of influence. Planning Commissioners are from the area. This annexation is not good for BelAire.

Tillie Deenihan

Tillie Deenihan, 9525 East 45th North, said Rural Water District One has good City water.

Vivian Gawthrop

Vivian Gawthrop, 9515 East 45th North, inquired as to how quickly the annexation would be finalized.

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Marvin Krout Director of Planning explained that second reading of the Ordinance would be on October 19th, and the annexation would be final with publication of the Ordinance on October 22, 1999.

Dorothea Adams Dorothea Adams, 4341 North Lender, stated that she was very happy with the way the lots are presently set up to allow no more than two houses per tract. Ms. Adams said she did not believe anyone wants to infill and they do not want to be forced to add houses.

Marion Stevens Marion Stevens, 4225 North Webb Road, spoke regarding the Ritchie plant.

Gerald Bain Gerald Bain, 9201 East 42nd North, said annexation would take away some of their rights.

Council Member Cole present.

Herb Bogad Herb Bogad, 9328 East 42nd North, inquired why the City of Wichita had not annexed Eastborough.

Mayor Knight Mayor Knight explained that Eastborough is a City which was incorporated in 1947.

Bert Montgomery Bert Montgomery, 9400 East 42nd North, spoke regarding the automatic change to SF-6 with regard to the Church, and the low property values due to the asphalt plant.

John Gawthrop John Gawthrop said he did not receive a letter.

Marvin Krout Director of Planning explained that Mr. Gawthrop's property was not being annexed at this hearing.

David Mollhagen David Mollhagen, 4341 North Cypress, said 51 percent of the residents in the annexation area had signed a petition against the annexation. Mr. Mollhagen spoke against the zoning process and said he did not want to be annexed.

Marvin Krout Director of Planning explained that property owners could request SF-10 zoning.

Doug Moshier Senior Assistant City Attorney said the City is not rezoning but was trying to fit current zoning into the appropriate area upon annexation.

Darrell Sooter Darrell Sooter, 4201 Linden Drive, spoke with regard to the Comotara Railroad track that causes flooding on his property. Mr. Sooter also said the Township keeps the snow cleared off the roads.

Steve Lackey Director of Public Works said there would be meetings with the railroad and Mr. Sooter's concerns would be brought up. Regarding snow removal, it is true that the City does not plow the roads; however, special crews will be sent to various areas if they become difficult or impassible.

Council Member Pisciotte Council Member Pisciotte said he hoped all would focus on shared values - we are all one community. The City of Wichita cooperates very closely with Butler County and seven other counties. One of the reasons Council Member Pisciotte will vote for annexation is equity.

Steve Lackey Director of Public Works, responding to a question, explained the \$1.21 per month Storm Water Utility fee and the six-month billing schedule for persons not connected to City water.

Motion -- Pisciotte moved that the Public Hearing be closed; the annexation request be approved and the Ordinance be placed on first reading. Motion carried 7 to 0.

-- carried

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ADJOURNMENT The City Council meeting adjourned at 8:13 p.m.

Pat Burnett CMC
City Clerk